



Hawkesbury City Council

general purpose committee business paper

date of meeting: 30 November 2004

location: council chambers

time: 9.00 a.m.

GENERAL PURPOSE COMMITTEE

Meeting Date: 30 November 2004

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
SECTION 1 - ENVIRONMENT		7
Item: 59	ENV A - Section 96 Application to Modify Development Consent DA0134/95, Lot 2, DP628806, No. 6102 Singleton Road, Colo Heights (Tinda Creek) - (79347, 27001)	7
Item: 60	ENV B - Corrections to Schedule 1 of the Hawkesbury Local Environmental Plan 1989 - (Deletion of Two Heritage Items) - (79339)	26
Item: 61	ENV B - Vehicles Placed on Public Land and Advertised for Sale - (79347)	28
Item: 62	ENV B - Land and Environment Court Appeals Process - (79347)	31
Item: 63	ENV B - Cities for Climate Protection (CCP) Milestone 5 Achievement - (79348)	34
SECTION 2 - INFRASTRUCTURE		39
Item: 66	INF B - Governor Phillip Reserve - Noise Policy - (79354)	39
Item: 67	INF B - Road Naming - Argents Road, Wilberforce - (79346, 80245)	42
Item: 68	INF B - Provision of Loading Zone - Kable/Macquarie Street Carpark, Windsor - (79346)	44
Item: 69	INF B - Flood Evacuation Route Naming/Windsor Road Renaming	46
Item: 70	INF B - McGraths Hill Wetlands and Effluent Reuse Scheme (MHW&ERS) - Access by the Cumberland Bird Observers Club Inc (79357, 91165)	48
Item: 71	INF B - Yarramundi Reserve - Draft Plan of Management - (79354)	50
Item: 72	INF B - Conservation Plans for Richmond Park, McQuade Park and Wilberforce Park - (79354)	52
Item: 73	INF B - Proposed Road Naming - Public Road off Woods Road, South Windsor - (79346, 3560)	54
Item 74:	INF B - Demolition Works - Shopping Centre Development, Holland's Paddock - (79347, 8736)	55
SECTION 3 - ORGANISATION AND RESOURCES		59
Item: 66	ORG A - Monthly Financial Report - October 2004 - (79349)	59
Item: 67	ORG A - General Purpose Financial Report and Special Purpose Financial Report for the period ended 30 June 2004 - (79349)	62
Item: 68	ORG A - Outstanding Receivables - Arrears of Rates and Charges 2003/2004 - (79349)	68

GENERAL PURPOSE COMMITTEE

Meeting Date: 30 November 2004

ITEM	SUBJECT	PAGE
Item: 69	ORG A - WSROC Western Sydney Research Proposals - (79351, 74251)	71
Item: 70	ORG B - Documents for Execution Under Seal - (24744, 34780, 79761, 21308, 73874, 74403)	73
Item: 71	ORG B - Request to Hold Windsor Markets on Australia Day - (76542, 79338)	75
Item: 72	ORG B - Sale of Unpaid Rates - (79349)	76
Item: 73	ORG B - Existing Library Building - Future Use - (79337)	77
Item: 74	ORG B - Proposed Section 94, Community Facility - Kurrajong - (79342)	80
Item: 75	ORG B - Council Aquatic Weed Program - (79356)	92
Item: 76	ORG B - Australia Day Event 2005 - (79342)	96

Attachment to this Business Paper are in a Separate Document
If you wish to download the attachment, please note it may be time
consuming due to file size and download time

[Click Here to View Attachments](#)

general
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section 1

environment

ENVIRONMENT

Meeting Date: 30 November 2004

SECTION 1 - ENVIRONMENT

Item: 59 **ENV A - Section 96 Application to Modify Development Consent DA0134/95, Lot 2, DP628806, No. 6102 Singleton Road, Colo Heights (Tinda Creek) - (79347, 27001)**

Previous Item: 75, GPC 27 November 2003

Development Information

Applicant: Birdon Contracting Pty Ltd
Applicants Rep: Mr T Bruce
Owner: Birdon Contracting Pty Ltd and Polyneed Pty Ltd
Stat. Provisions: Hawkesbury Local Environmental Plan 1989
Area: 90 hectares
Zone: Rural 1(a)
Advertising: 7 August - 22 August 2003
Date Received: 21 December 1998 - Development Consent

Key Issues: ♦ Section 94 payments
 ♦ Lapsing of Consent
 ♦ Compliance with Conditions of Consent
 ♦ Mining outside Title restriction

Action: Approval of the Section 96 application and operation of the Deferred Commencement for Stages 2-6.

REPORT:

Introduction

Council has received an application under Section 96 of the Environmental Planning and Assessment Act to modify Development Consent DA0134/95. The modification involves amending Condition 3 to extend the time frame by 2 (two) years to complete and rehabilitate Stage 1 of the sand mining operation.

This application was previously considered by Council. The Council resolved, "That the matter be deferred and the issues raised by the respondents be further reported back to Council."

This report will address the issues raised by the respondents:

- Lapsing of the Consent
- Section 94 payments
- Compliance with Conditions of Consent
- Mining below restriction on the Title

Background

In 1986 Council approved development for the purpose of creating a dam on the site. The extraction of sand from the site also took place. The lease operator sought to formalise the sand mining activity and lodged a Development Application (DA0134/95), which is the current approval. The application proposed the following:

ENVIRONMENT

Meeting Date: 30 November 2004

- Sand extraction from 50,000 tonnes up to 100,000 tonnes annually.
- Life span 25 years.
- Truck movements of 8 (eight) up to 16 (sixteen) daily.
- Final landform being rural grazing and large lake.
- Extraction relates to the rear portion of the site only.

Council considered this application at the General Purpose Committee Meeting on 26 November 1996 and resolved at the Ordinary Meeting on 10 December 1996 to issue a staged development consent for Stage 1, with the remaining stages being a Deferred Commencement approval subject to the conditions to be completed at Stage 1.

The decision to issue a staged and deferred commencement approval was in recognition of concerns raised by the residents and government agencies as to the potential for the development to pollute.

Any stage after Stage 1 would only be permitted where the operator can illustrate that revegetation/rehabilitation is taking place, in accordance with the approved plan and with an acceptable time frame. A third party appeal was lodged by N. Diamond for Tinda Creek Spiritual and Environment Centre in the Land and Environment Court against Council's decision on the application and the wording of particular conditions of consent. A mediation conference was held with all parties and, as a result of the conference, the Appellant discontinued the proceedings and the Appeal was withdrawn.

The Proposal

The application proposes to amend Condition 3 of Development Consent DA0134/95 to extend the time frame to complete and rehabilitate Stage 1 of the sand mining activity. Condition 3 states:

"The development approval being limited to a period of 2 (two) years. Subsequent stages will require a formal submission under Section B of this Consent to Council and supported by evidence that the operation has complied with the conditions of Stage 1 consent".

The applicant has indicated that *"Due to market conditions only 50% of the estimated material has been mined from Stage 1, we seek an extension of 2 (two) years to complete and rehabilitate this stage".*

The applicant has now provided the following additional information as requested by Council officers.

- Report prepared by Umwelt Environmental Consultants that provides an assessment on the compliance with the condition of consent (Annual Report).
- Water Quality Report prepared by Ecowise Environmental.
- Plan prepared by Matthew and Peter Freeburn, Surveyors, showing the levels of the previous and existing sand mining operation and the previous natural levels of the site.

Photos taken of the site at a recent site inspection, together with full size plans of the site are displayed in the Council Chambers.

Statutory Provisions

The site is zoned Rural 1(a) under Hawkesbury Local Environmental Plan 1989 within Rural 1(a) zoning, extractive industries are permissible with Council consent.

Draft Hawkesbury Local Environmental Plan 1989 - Amendment 108

The site is proposed to be zoned Environmental Protection (Mixed Agriculture), extractive industries are permissible with Council consent.

Community Consultation

The application was publicly exhibited and advertised from 7 August - 22 August 2003, in accordance with the provisions of the Environmental Planning and Assessment Act (EPAA) and associated Regulations. The EPAA and Regulations required:

- i) A Notice to be placed in a local newspaper circulating in the area;
- ii) Site sign being erected on the site;
- iii) Letter to adjoining and surrounding property owners and occupants, as well as those persons who previously made submissions on the initial application.

During the exhibition period:

- 4 (four) respondents provided submissions in respect to the application.
- 4 (four) submissions from public authorities.

The 4 (four) submissions from the respondents raised the following issues:

- Concern with Council's management of the matter and time to process the application.
- Need for an EPA Licence.
- Need for a Water Licence from Department of Infrastructure Planning and Natural Resources.
- Validity of consent.
- Section 94 payments.
- Seeking approval for a different operation.
- 4.00am start proposed will have an impact.
- Material displayed lacks detail and is inaccurate.
- Stage 1 (one) now complete.
- Activity on banks of watercourse.
- Non-compliance with conditions of consent.
- Extension of work into other stages.
- No annual reports submitted.
- Modification will take operation beyond 25 (twenty five) year period.
- Mining to 20 (twenty) metres is inconsistent with the restriction on the Title.

These matters will be discussed in the report.

Planning AssessmentLapsing of Consent

The Development Consent DA0134/95 for the sand mining had an endorsed date of 23 September 1996. The Consent was issued under Section 91AB (staged approval) to Stage 1 of the activity, as identified in the Environmental Impact Assessment (EIS). The Consent contained 33 (thirty three) conditions which involved Conditions 1-20 relating to general conditions for the activity and Conditions 21-33 relating to Stage 1. Part B of the Consent was a Deferred Commencement issued under Section 91AA to Stages 2-6, subject to:

1. Compliance with the general conditions for extractive industries provided as part of the approval.
2. Completion of the conditions for Stage 1.
3. Sand extraction not exceeding 100,000 tonnes per year.
4. Sand mining operation to cease upon extraction of 2,000,000 tonnes or a period of 25 years expires.

Council wrote to Abbott Tout seeking advice on several aspects of the Development Consent:

- Legal correctness of the consent being a "Staged Approval" and "Deferred Commencement";
- Whether Condition 3 of Stage 1 had lapsed.

ENVIRONMENT

Meeting Date: 30 November 2004

- Whether a need for a further Development Application under Part B of the Consent for the additional stages was received.

The opinion received indicated that, apart from Stage 1, all other stages were granted Deferred Commencement approval subject to the 4 (four) conditions/requirements set out in Section B being satisfied. The legal opinion advised that as Stage 1 has lapsed, all other matters that hang off the Consent had also lapsed.

The applicant, in response to this issue, provided their own legal advice. The advice indicated that:

- The consent was issued under Sections 91AA and 91AB (Staged and Deferred Commencement).
- The DA documentation submitted indicates activity to be undertaken in 6 (six) stages.
- Consent issued for Stage 1 and Deferred Commencement for Stages 2-6, no need for a further development application.
- The Consent did not operate until 28 (twenty eight) days from the endorsed consent date being the 19 January 1997 and the request for the extension was received on 21 December 1998 when the Consent was still operational.

As a result of the applicant's legal advice, a further request for advice from Abbott Tout was made. This advice indicated that the:

- Letter from applicant received on 21 December 1998 was an application under Section 96 for modifying the consent.
- It is still open to Council to approve the modification notwithstanding the lapse of time subject to normal process and assessment under Section 79C of the EPA Act.

Based on the most recent legal opinion from Council's Solicitors, the matter is still open for Council to approve the application notwithstanding the lapse of time.

Section 94 Payments

Respondents.

The respondents are concerned that there has not been the appropriate payment of Section 94 contributions, as required by Condition 8 of the Development Consent. They are concerned that the operation has not installed a weigh bridge to determine the tonnage of sand leaving the site. The respondent has requested a quantity survey from an independent Surveyor.

Applicant.

The applicant, in response to this matter, has indicated that sand is loaded and weighed by a recognised weighing system fitted to a 5.6 tonne front end loader. The present loader and scale is 3 (three) months old and the previous machine was less than 6 (six) years old. The weighing mechanism used is the most modern available with computer readout and is as accurate as any weighbridge.

The material that leaves the site is weighed and a docket written off the total weight shown on the weighing machine's computer. Dockets are collated monthly into an invoice for each customer. The invoices are added to the monthly spread sheet which shows the total of all the invoices for that month. From these spreadsheets the total of Section 94 contributions is determined.

Comment.

A complete search of Council's accounting records have revealed that Section 94 contributions have been paid on a regular basis since June 1997. The current total payments up to October 2004 is \$214,567.78 (two hundred and fourteen thousand five hundred and sixty seven dollars and seventy eight cents), which

ENVIRONMENT

Meeting Date: 30 November 2004

equates to 456,532.8 (four hundred and fifty six thousand five hundred and thirty two point eight) tonnes over this period of time. A breakdown of tonnes and contributions paid per financial year is shown below.

Year	Tonnes	Contribution
1997	2,494.74	1,172.53
1998	30,275.89	14,229.67
1999	60,147.79	28,269.46
2000	66,489.42	31,250.03
2001	56,380.40	26,498.79
2002	50,191.34	23,589.93
2003	67,909.53	31,917.48
2004	84,570.09	39,745.33
2005	38,073.50	17,394.56

The information from Council's records demonstrates that Section 94 contributions are being paid by the operator at regular intervals. A calculation of the material removed by Freeburn Surveyors, based on the plan provided is approximately 454,000 tonnes. This is at the date of the Survey 5 March 2004. The amount was calculated in cubic metres and then converted to tonnes. Based on the tonnage rates provided by the applicant from the Section 94 payment invoices the total tonnage removed up to the beginning of March 2004 is 380,797 tonnes.

It is seen that there is a difference between the volumes removed and amounts shown on the Section 94 invoices. The Section 94 invoice figures do not include any overburden removed from the excavation as well as the stockpiles of sand on the site that have not been removed. Therefore, the assertions by the respondent is not supported.

Assessment of Conditions of Consent

The following comments on each consent condition in respect to their compliance.

Condition 1

"The development shall be carried out in accordance with Plan No. PS91/E130 dated April 1996 and documentation of Environmental Impact Statement dated 1 November 1995 as amended."

Consultant's Comments:

"The other part of the condition is that the development is carried out in accordance with the Environmental Impact Statement (EIS) dated 1 November 1995. Upon review of the EIS, in particular, Section 6.0 'Proposed Environmental Safeguards and Impact Assessment' of the EIS, Umwelt considers the development is being carried in accordance with those safeguards and measures documented within the EIS, thus satisfying the condition. Particular measures recommended within Section 5.0 regarding hydrology, sediment and rehabilitation were subsequently addressed in more detail and documented in Plan PS91/E130, which also form part of the consent conditions. These measures within Section 5.0 of the EIS and Plan PS91/E130 are addressed throughout the remainder of this report.

In regard to the development being carried out in accordance with Plan PS91/E130 dated April 1996, the following assessment is provided:

1. The site entrance at Putty Road was modified by the Roads and Traffic Authority (RTA) in accordance with Sheet 1 of Plan PS91/E130.
2. The Rehabilitation Plan (Sheet 2) for the staged development of the site was prepared in 1996. The development has not been staged exactly in accordance with the 1996 plans, as noted by HCC in Section 2.1.1.2. Nonetheless, rehabilitation of the site to date has been undertaken in accordance with principles specified in Sheet 2 (refer to Figure 1). However, the recent years of drought conditions and the infertile soils of the area have hindered the growth of the rehabilitation. Notwithstanding this there is evidence of new growth as a result of the recent seed planting and the rain events of early 2004.

ENVIRONMENT

Meeting Date: 30 November 2004

Birdon Contracting has been able to purchase seed mixes from the local area, which includes the NPWS and intend to undertake more rehabilitation works when practical, i.e. favourable season and weather conditions.

3. Similar to Point 2, while the staging of the development has been modified since 1996, the required works of the Erosion and Sedimentation Plan (Sheet 3) have generally been undertaken in accordance with the principles specified in Sheet 3 (Refer to Figure 1). In particular, the 'stacked rock sediment traps', silt curtains (fences) and diversion banks and channels detailed in Sheet 3 have been suitably constructed and are in a functional state.

A representative of the DIPNR undertook a site inspection on 12 January 2004. The Department then forwarded correspondence to Mr Bruce. This correspondence (refer to Appendix 2), makes no reference to the erosion and sediment controls on the site and it is therefore assumed that the Department is satisfied with the current measures."

Comment:

The plans PS91/E130 contains 3 (three) sheets:

- Sheet 1 - which shows the site entrance at Singleton Road.
- Sheet 2 - Rehabilitation Plan for the stages of the development. The recent inspection has revealed that Stage 1 has been completed and that the applicant has commenced Stage 3. Stage 2, given its location, will be the last stage to be implemented.
- Sheet 3 - Erosion and Sedimentation Plan. The majority of the works have been undertaken with some minor works being finalised by the operator.

Condition 2

"The area to be used being limited to the area shown on the submitted plans."

Consultant's Comments:

"The area of operations is within the site boundaries on the submitted plan".

Comment:

The various site inspections by Council officers have confirmed the mining activity is located within the area shown on the plans submitted with the EIS.

Condition 3

"The development approval being limited to a period of 2 (two) years. Subsequent stages will require formal submission under Section B of this Consent to Council and supported by evidence that the operation complies with condition of Stage 1 Consent".

Consultant's Comments:

As referred to in Section 2.1.1.3, the erosion and sediment controls on site appear to have been suitably constructed and are in a functional state. Further, DIPNR (previously the Department of Land and Water Conservation (DLWC)) is satisfied with the devices installed.

Comment:

This is the subject of the current application. The applicant has provided a formal submission required under this condition.

Condition 4

"Erosion and sedimentation control devices shall be installed and maintained during construction and ongoing operations. Details shall be submitted and approved by Department of Lands and Water Conservation prior to any works commencing".

ENVIRONMENT

Meeting Date: 30 November 2004

Comments:

The applicant provided a plan PS91/E130 Sheet 3 which outlined the proposed erosion and sedimentation works and devices. This plan was referred to the Department of Land and Water Conservation for comment. The Department provided some specific comments in respect to the sediment basin, diversion channel and revegetation. The comments related to providing advice on the use of grass/cover crops and straw mulching. The erosion and sedimentation control devices have always been installed and maintained when Council officers inspected the site. The devices have ensured that any erosion and sedimentation is controlled and any impact is kept to within the site. There is no evidence on file of the final plan being submitted and approved by Land and Water Conservation. Based on the final comments provided by Land and Water Conservation, it would appear that they were generally satisfied with the proposed works/devices subject to some minor details being finalised.

Condition 5

"All necessary works being carried out to ensure that stormwater flow from adjoining properties is not impeded".

Consultant's Comments:

Stormwater* (or perhaps more accurately described as surface run-off) from adjoining properties is being diverted clear of the site to avoid erosion and transportation of silt from the disturbed areas via the constructed diversion banks and diversion channels. The design of these works does not impede the natural flows across the land and into Tinda Creek.

- * It must be noted that stormwater is often interpreted as the flow of water directed from hard-stand areas or artificially constructed channels that direct storm flows. In this case, there is no stormwater artificially directed to the site from adjoining properties and is in fact natural surface run-off that is slowed by infiltration and vegetation on the land.

Comment:

Site inspection by Council officers have confirmed that this condition is being satisfied.

Condition 6

"All trucks arriving and leaving the site shall have their load/trays suitable covered to prevent spillage from the truck onto the road".

Consultant's Comments:

It is an RTA requirement that all trucks/vehicles on public roads must cover their loads. Further, it is a policy of the Tinda Park operation that all trucks leaving the site must cover their loads. In addition, there have been no known spillages or complaints regarding the same.

Comment:

At the time of the recent inspection, no trucks visited the site. The condition is an ongoing management measure.

Condition 7

"Council reserves the right to impose a condition to have a mechanism installed whereby wheels of trucks leaving the site are washed to minimise dust and debris being deposited on roads, however, it shall monitor the operation for 3 (three) months without such a facility to ascertain whether such is required".

Consultant's Comments:

Further to the above comments, there is a distance of over one (1) kilometre from the site's sand loading point to the entrance of Tinda Park at Putty Road. Over this distance, most, if not all, sand and debris will be displaced from the tyres and wheels of the vehicles well before reaching the Putty Road.

Comment:

This requirement has not been required by Council since the operation has commenced. (Note: This condition is unlawful).

Condition 8

"Payment of Section 94 Contribution under the provisions of the Environmental Planning and Assessment Act 197 towards the repair, reconstruction and maintenance of the roads based on 46.78 cents per tonne

ENVIRONMENT

Meeting Date: 30 November 2004

of material to leave the site. This contribution will be used for roadworks external to the site and towards the RTA's road maintenance program.

The contribution will be based on monthly tonnage to leave the site, with the applicant to submit to Council records of material removed. The said contribution will be paid on a monthly basis at the rate nominated and will be reassessed annually based on the Sydney Consumers' Price Index".

Comments:

This matter has been discussed previously in the report.

Condition 9

"Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone shall be applied to reduce surface and airborne movement of sediment blown from exposed areas".

Consultant's Comments:

Further to the comments made by Council in Section 2.1.9.2, it is confirmed that regular watering by a water cart takes place, as required. Further, additional plantings have taken place since Council's inspection, which will be well served by the recent rain events earlier in 2004, as previously discussed in Section 2.1.1.3. Nonetheless, while the current controls are adequate, the site may benefit further, through carefully located mulching (or similar) to assist the growth of the rehabilitated areas.

Comment:

Site inspection has revealed the regular use of a water cart for the site and some of the exposed areas had been planted and were establishing. Additional planting was to be implemented for a section within Stage 1. Some additional planting (grass cover) is also required under the electricity easement where some filling has occurred at the request of the electricity provider. This work is nearing completion.

Condition 10

"Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by running water to be stored clear of any drainage line, easement or natural watercourse".

Consultant's Comments:

All stockpiles are located within the site, which is protected from overland flows by the diversion bank system (refer to Figure 1). The controls are such that material within the stockpiles is not capable of being moved by running water within a design storm event.

Comment:

At the time of inspection there was no stockpile area stored in or near any drainage lines or natural watercourses. Some fill material was deposited adjacent to the electricity easement and some suitable erosion/sedimentation devices should be installed. This fill material is not associated with the mining activity. The operator agreed to install the devices.

Condition 11

"Submission of a building application, plans and specifications complying with the Building Code of Australia for any future building construction".

Consultant's Comments:

There have been no buildings constructed on the site subsequent to the date of consent.

Comment:

No evidence of any recent building construction works on site.

Condition 12

"No advertising structures to be erected, displayed or affixed on any building or land without prior approval. Any unauthorised advertising structure will be removed at the expense of the advertiser".

Consultant's Comments:

No advertising structure has been erected except original identifying sign at property being renewed.

ENVIRONMENT

Meeting Date: 30 November 2004

Comment:

No advertising sign, except for site identification sign at the front of the site and some advisory signs within the site.

Condition 13

"The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise".

Consultant's Comments:

The location of the operation is remote. As noted above, there have been no registered complaints in respect of the operations. To this end, the NSW NPWS has provided a letter of correspondence, which is reproduced in Appendix 3.

Comment:

At the time of inspection, no evidence was found to suggest the activity interferes with any neighbours. A search of the file has not found any complaints being received in respect to the operation and emission of noise, dust, vibration, smell, wastewater.

Condition 14

"Operating hours shall be limited to 7.00am to 5.00pm Mondays to Fridays and 7.00am to 1.00pm Saturdays. Any alteration of these hours will require the approval of the Director Environment and Development".

Consultant's Comments:

The operating hours are not subject to change as part of this report and are therefore within the current consent conditions.

Comment:

The current Section 96 modification sought only extends the time to complete and rehabilitate Stage 1 by 2 (two) years. The extension to the operating hours is not part of the application and would require the submission of a further application under Section 96 to modify Condition 14.

Condition 15

"All waste materials to be stored and disposed of at regular intervals to the satisfaction of the Director Environment and Development".

Consultant's Comments:

General/domestic waste is being removed from the site on a daily basis by the Site Manager and placed in the Site Manager's own domestic waste system..

Comment:

Waste generated which is considered to be minor is disposed of by a suitable contractor.

Condition 16

"A waste management plan shall be submitted for consideration with the building application. Such plan shall address any builder's waste and waste generated during day-to-day operations and shall include types and quantities, recycling, reuse, storage and disposal".

Consultant's Comments:

No further assessment required as no building is made.

Comment:

The activity has not, at this stage, required any additional building works to be undertaken that would require the need to seek building approval.

Condition 17

"(a) An ambient water quality analysis is to be carried out in accordance with the Australian Water Quality Guidelines for Fresh and Marine Waters - "Protection of Aquatic Ecosystems", and submitted to Council on an annual basis for every three months' testing and results.

ENVIRONMENT

Meeting Date: 30 November 2004

- (b) *Submission of details on a monitoring program for ground and creek water quality and a contingency plan should the proposed water quality controls fail".*

Consultant's Comments:

With reference to Section 2.1.17.2, a further recent assessment of water quality was undertaken. The sample date was 9 December 2003. The results of that sample are provided in Appendix 4. The assessment demonstrates that the concentration of heavy metals found within the operation's ponds was below those naturally found in Tinda Creek. However, it does not include field measurements of the physical parameters of Tinda Creek, upstream and downstream of the development.

The NSW EPA has also been furnished with a copy of the above assessment, as well as the assessment completed by AWT in February 2000 (see Appendix 4). To this date the EPA has not raised any concerns regarding the water quality of the site operations. However, in regard to the consent condition requirements for 'an ambient water quality analysis to be submitted on an annual basis for every three months' testing and results', it is suggested that this may be an excessive monitoring program in light of previous results and therefore needs further consideration and negotiation with HCC. The AWT report (2000) concludes that Tinda Creek is not impacted by the Tinda Park operations and makes the following recommendations:

1. Continue water quality monitoring of Tinda Creek and the final holding pond as part of the ongoing routine water quality monitoring program;
2. Undertake field measurement for physical parameters during all sampling events; and
3. Undertake sampling analysis during and after at least one wet weather event.

It is a further recommendation of Umwelt, that should the Section 96 approval be granted, the above recommendations are adhered to, with the aim of developing a more realistic monitoring program than that currently required of the consent conditions. Such a revised program should account for the lack of impact the operation is having on the environment, which will be better determined with wet weather analysis, as recommended by AWT. Umwelt agrees with AWT that a wet weather assessment will greatly assist in determining the level of impact, if any, the current operation may be having on the water quality of Tinda Creek.

Comment:

The applicant has provided several reports for the sampling of water. The first report was submitted on 21 July 1998 and further reports were submitted on 28 June 1999, 13 September 1999 and 18 January 2000. The reports have been examined by Council officers. The initial results raised some concerns with chemical levels found and further testing in September 1998 was undertaken. The other reports have been examined and the findings of the most recent report indicates that Tinda Creek is not at present affected by the extraction activities.

A report on water quality monitoring was submitted in June 2004. The report discusses the results of water samples taken from various sites at the sand mine on 9 December 2003 and 26 May 2004. The location of the sites are:

- The settling pond.
- Final holding pond.
- Location upstream of the site in Tinda Creek.

On both occasions there was no flow in Tinda Creek either side of the mine site. As a result, both times the sampling was conducted the mine operation was not contributing to the environmental flow of the Creek. The report has been referred to Council's Environmental Waste Branch to assess. The pH and Aluminium levels exceed the guidelines in both the settling pond and the final holding pond. It is noted that the Aluminium and Iron levels in Tinda Creek above the mining site also exceed the guidelines.

The site is currently being licensed by the Department of Environment and Conservation (EPA). A copy of this report has been provided to the Department of Environment and Conservation.

ENVIRONMENT

Meeting Date: 30 November 2004

Condition 18

"No fertilizers or pesticides are to be used without prior consultation with Council".

Consultant's Comments:

No fertilizers or pesticides are used on the site. However, there may be the need to introduce fertilizers to aid the growth of the rehabilitation areas. Should this prove necessary, such fertilizers would be slow-release fertilizers and should be stored appropriately in consultation with Council and the EPA if necessary.

Comment:

Noted.

Condition 19

"Maximum number of on-site employees, other than employees/contractors involved in truck haulage, shall be restricted to 15 (fifteen). Any increase in employment would require reassessment of the adequacy of on-site facilities for sewerage, water, car parking and the like".

Consultant's Comments:

The current level of on-site employees remains at 3 (three).

Comment:

During the site inspection there was only a few employees working and this was well below 15 (fifteen).

Condition 20

"All road and driveway surfaces shall be regularly watered to dampen the surface in order to reduce dust generation".

Consultant's Comments:

As previously discussed in Section 2.1.9, regular watering by water cart takes place, as required.

Comment:

During the site inspection it was observed that the roadways had been watered.

Condition 21

"Local grass seeds shall be collected from surrounding areas to be used as part of the revegetation program".

Consultant's Comments:

As previously discussed in Section 2.1.1.3, purchase of local seed has been possible, after consultation with the NPWS. The planting of these seeds was aided by the rain events of early 2004.

Comment:

Due to the severe weather conditions over recent times, the ability to collect seed has been difficult. The operator has used other similar or identical seeds and mixes to establish ground cover for the vegetation. The areas of revegetation are slowly establishing. However, the recent rainfall was not enjoyed in the area of the sand mining operation and the revegetation is still growing slowly.

Condition 22

"The intersection of the existing driveway and Putty Road shall be upgraded generally in accordance with the amended Plan No. PS91/E130 (1 of 3) dated April 1996. All works to be carried out to the requirements and under the supervision of the RTA and any fees, securities or contributions paid".

Consultant's Comments:

As previously discussed in Section 2.1.1.3 and mentioned above, the Tinda Park entrance has been upgraded by the RTA in accordance with Consent Condition 1. There has been no requirement to undertake further road works.

ENVIRONMENT

Meeting Date: 30 November 2004

Comment:

The current access to the site is satisfactory and considered adequate for the development and traffic generated by the activity.

Condition 23

"All drainage channels shall be constructed to avoid turbulence and scouring".

Consultant's Comments:

As previously discussed in Section 2.1.1.3, the required works have generally been undertaken in accordance with the principles specified in Sheet 3 of Plan No. PS91/E130. In particular, the 'stacked rock sediment traps', silt curtains (fences) and diversion banks and channels detailed in Sheet 3 have been suitably constructed and are in a functional state, which will avoid turbulence and scouring.

Comment:

The drainage channels on the site showed no evidence of scouring.

Condition 24

"(a) Revegetation Plan shall include the use of seed mixes (including endemic plant material) which reflect the changing seasons and provide short to medium term soil stability. Native grasses should be used as a supplementary secondary stabiliser. No Kikuyu grass to be used".

(b) A qualified Bush Regenerator shall be engaged to specify and supervise all revegetation works".

Consultant's Comments:

As previously discussed in Section 2.1.1.3, the Rehabilitation Plan (Sheet 2) for the staged development of the site was prepared in 1996. The development has not been staged exactly in accordance with the 1996 plans, as noted by HCC in Section 2.1.1.2. Nonetheless, rehabilitation of the site to date has been undertaken in accordance with principles specified in Sheet 2 (refer to Figure 1). However, the recent years of drought conditions and the infertile soils of the area have hindered the growth of the rehabilitation. Notwithstanding this there is evidence of new growth as a result of the recent rain events of early 2004.

Birdon Contracting has been able to purchase seed mixes from the local area, which includes the NPWS and intends to undertake more rehabilitation works when practical. No Kikuyu grasses have been planted on site.

Further, as noted in Section 2.2.24.1, Birdon Contracting has engaged the Land Form Maintenance Contractors to assist with rehabilitation of the site. Land Form Maintenance Contractors handle regeneration programs for Penrith Lakes Development Corporation Ltd, which is a similar, although much larger, operation, and has the expertise required of the above consent condition.

Comment:

The rehabilitation plan approved provides details of the rehabilitation measures and methods to be implemented. The works undertaken on site have included a range of seed mixes. The rehabilitation has been difficult to establish due to the severe weather conditions over recent times. The site inspection has shown the rehabilitation works is establishing and the operator is implementing suitable management measures to ensure the revegetation is surviving and will continue to develop and establish.

Condition 25

"Banks of the diversion drainage channel and perimeter mounding shall not exceed a slope of 1:3(V:H)".

Consultant's Comments:

As previously discussed in Section 2.1.1.3, the required works have generally been undertaken in accordance with the principles specified in Sheet 3 of Plan No. PS91/E130, which is the approved.

Comment:

Site inspection has indicated that the channels are generally no greater than 1:3 (V:H).

ENVIRONMENT

Meeting Date: 30 November 2004

Condition 26

"The batter of the ponds and dam shall not exceed a slope of 1:3 (V:H)".

Consultant's Comments:

As noted by Council in Section 2.1.26.2, the pond walls are generally no greater than 1:3 (V:H), which is in accordance with Sheet 3 of Plan No. PS91/E130.

Comment:

Site inspection has indicated that the pond walls are generally no greater than 1:3 (V:H).

Condition 27

"A site environmental management plan shall be prepared within 1 (one) month of the date of this approval, to address:

- (a) on-site materials management;*
- (b) daily operating procedures;*
- (c) erosion and sediment controls*
- (d) emergency contingency plans'*
- (e) on-site drainage processes to ensure water quality".*

Consultant's Comments:

As discussed in Section 2.2.27.1 and 2.2.27.2 and Environmental Management Plan was provided to Council on 14 July 1997. There has been subsequent correspondence between Birdon Contracting and HCC regarding this issue, over recent year. The environmental management plan issue has been further complicated by the development approval status of the operation and the length of time to finalise this matter, as noted in Section 2.1.27.2. However, most importantly, the final comment within Section 2.1.27.2 states that the 'activity is operating to a satisfactory environmental standard and the current management measures are also considered to be appropriate'.

In light of the above, it is evident the issues to be addressed in the Environmental Management Plan have been addressed to the satisfaction of HCC staff, which is the requirement of the condition. In addition, Umwelt's assessment of the issues to be addressed in an Environmental Management Plan concurs with the assessment undertaken by Council staff.

Comment:

The operator provided an Environmental management Plan to Council on 14 July 1997 which addressed the 5 (five) matters outlined in the condition. Council wrote to the operator advising the details provided were insufficient and requested further information. The operator responded to the matter. The additional information provided still did not satisfy Council officers requirements and additional details should be provided in respect to drainage processes, emergency contingency (fire, work accidents, spillages). This additional request for information appears to have not been conveyed to the operator. However, based on the inspections by Council officers and the reports provided on water quality, it appears the activity is operating to a satisfactory environmental standard and the current management measures are also considered to be appropriate.

Condition 28

"A professional archaeological survey being carried out for the site by a suitably qualified person to particularly assess the site's Aboriginal Heritage potential".

Consultant's Comments:

This issue was addressed in the EIS that accompanied the Development Application and has been approved by Council. The archaeological investigation by Brayshaw McDonald in 1988 and subsequent review in 1992 found there are no archaeological sites in the vicinity and that there would be no adverse effect on the Aboriginal archaeology of the area. As the operation remains within the original area of predicted disturbances, there would be no need to undertake further archaeology assessment.

Comment:

The operator provided a letter from Brayshaw McDonald Pty Ltd, Consultant Archaeologists who carried out a survey of the site in conjunction with the extraction of sand for an agricultural dam. The survey in

ENVIRONMENT

Meeting Date: 30 November 2004

1984 focussed on the north western quarter of the extraction area. The consultant indicated that the present extraction proposal is confined to the flat swampy area that no further archaeological investigation is warranted.

Condition 29

"All general stormwater shall be diverted around the work site other than any controlled inflow to maintain water levels within the work site".

Consultant's Comments:

As previously discussed in Section 2.1.1.3, the required works for erosion and sedimentation have generally been undertaken in accordance with the principles specified in the approved plans, and that all general surface run-off is diverted around the site (refer to Figure 1).

Comment:

Site inspection revealed that stormwater diversion drains in place are complying with the condition.

Condition 30

"All water falling on or contained within the work site shall be retained within the work site and not permitted to leave the site otherwise in accordance with a license issued by the EPA".

Consultant's Comments:

The relatively permeable sandy soil strata means that a significant proportion of the water falling within the site is infiltrated into the ground. Water that falls within the site that becomes overland flow is trapped on-site by the final settling pond in the north east section of the site (refer to Figure 1).

There has been no licence issued by the EPA to date. However, the EPA has prepared a draft licence, which it intends to issue once HCC approve the Section 96 application (refer Appendix 5). It is noted that the draft licence (No. 12007) requires an assessment of the site to be completed after the licence is issued, in accordance with the requirements contained within the 'Stormwater Manual'. Umwet, on behalf of Birdon Contracting, has taken a proactive approach to this issue and completed a preliminary assessment in accordance with the requirements of the draft licence, and consider the stormwater system at the premises meets the sediment control design requirements contained within the Stormwater Manual, and that no upgrading of the stormwater system will be required as a result of the licence being issued.

Comment:

Site inspection revealed this condition being satisfied.

Condition 31

"The erection of truck warning signs with distance plates located 200m on approved sites to the access to the development".

Consultant's Comments:

No further assessment is required.

Comment:

This condition is satisfied.

Condition 32

"The payment of a Bond or Bank Guarantee of \$50,000 for rehabilitation and restoration of the extractive industry operation. Should the plan of rehabilitation not be carried out in accordance with the plan, this money will be used for such work. The Performance Bond for rehabilitation of the site will be reviewed annually with a review of the conditions of consent".

Consultant's Comments:

No further assessment required.

Comment:

Bank Guarantee for \$50,000 lodged in May 1997.

ENVIRONMENT

Meeting Date: 30 November 2004

Condition 33

"The applicant (extractor) is to lodge an annual report indicating compliance or otherwise with the conditions of approval of the consent and conformance with any other permits or licenses as issued by the EPA and the Department of Land and Water Conservation".

Consultant's Comments:

In addition to those reports provided to Council by Birdon Contracting, referred to in Section 2.1.33.2, this report has been prepared to meet the requirements of Council's request discussed in Section 1.0 and the above consent condition.

To date there have been no permits or licences issued by the EPA (now DEC) or Department of Land and Water Conservation (now DIPNR). However, these authorities have recently requested information from Birdon Contracting (refer to Appendices 2 and 5). This information has subsequently been provided to the respective departments and no further response has been received.

As discussed in Section 2.1.30.3, a draft EPA licence is to be issued to Birdon Contracting once Council approves the Section 96 application. Umwelt's assessment of the draft licence concludes that the stormwater system at the premises meets the sediment control design requirements contained within the Stormwater Manual and that no upgrading of the stormwater system will be required as a result of the licence being issued.

A further requirement of the draft licence, once issued, is to provide a detailed report describing the procedures proposed to implement a spill management program at the premises in accordance with EPA guidelines. Birdon Contracting acknowledge this requirement and will prepare such a report, once the licence is issued.

Furthermore, Birdon Contracting is committed to long-term rehabilitation of the site, in accordance with the principles of the approved rehabilitation plans, as the stages of the development progress. As previously discussed (see Section 2.1.24.3), the availability of local seed mixes will assist the on-going rehabilitation process in conjunction with the recent engagement of Land Form Maintenance Contractors.

Comment:

The operator provided an annual report/statement on compliance with the conditions of consent in December 1998 and May 2002. The EPA has recently requested further information in respect to the activity and the extraction quantities per year. A meeting on site with the representatives of the EPA, Council officers and the operator was held to discuss the matter. The protection of the Environment and Operations (POEO) Act 1997 requires a licence if more than 30,000 cubic metres is extracted per year. Based on the figures from the operator the activity has only exceeded the 30,000 cubic metres per year limit during the 1999/2000 and the 2002/2003 financial years.

The operator has now applied for a licence with the EPA. The EPA, now known as Department of Environment and Conservation, has written to Council advising that they are in the process of preparing the licence. The application was referred to DLWC, now known as Department of Infrastructure Planning and Natural Resources. No response has been received.

The letter attached to the consultant's report indicates that some of the ponds are required to be licensed under Part 5 of the Water Act 1912 as the excavations intercept the ground water table. Under the Department's Farm Dams Policy, the excavations would be regarded as turkey nest dams and do not catch runoff, no licence would be required.

Council officers have carried out regular annual inspections of the site to check for compliance with conditions of consent and that the suitable management practices are being undertaken to reduce potential for environmental impact.

The Consultant's Report dated April 2004 is an annual report on the compliance with the conditions of consent.

ENVIRONMENT

Meeting Date: 30 November 2004

Other Matters

Section 96 Application

The respondents have raised the issue that if a Section 96 Application involves several requests to vary the Development Consent, Council must consider all the matters as one application. The documentation and form that is part of the application seeks to amend Condition 3 to extend the time frame to complete Stage 1. The application does not propose any other variations.

The applicant wrote to Council in May 2002 advising that Stage 1 was completed and requested to continue to mine as per the Development Consent. In this letter a request to vary the operating hours was identified but no formal Section 96 request was submitted. The current application, as exhibited, involves only a variation to Condition 3.

Current Operations

The operator advised Council in May 2002 that Stage 1 of the development was not completed. The operator has now moved into Stage 3 of the activity and is now mining this section of the site. The applicant has an application with Council to modify Condition 3 to extend the time frame to complete Stage 1. They have satisfied the 4 (four) requirements of Part B (Deferred Commencement). A plan is attached that shows the approximate location of the current workings on site and the area completed.

Depth of Excavation

The EIS proposed to excavate to a depth of 20m and this was approved as part of the Development Application, with no conditions imposed that would restrict this depth. A respondent has provided a copy of the Title of the land that identifies "*Excepting land below a depth from the surface of 15.24 metres by Crown grant*".

The applicant engaged a Surveyor to undertake levels of the areas of excavation as well as plot the original natural contours in order to identify the depth of excavation. The surveyor's plans contain a series of notes:

- The contours represents an estimation of how the natural surface may have appeared prior to excavation works.
- The natural surface levels have been made by reading levels upon surfaces which Birdon Contracting has informed are at the original natural surface level.
- The survey is carried out on assume datum.

The respondents are concerned that the plan is not a true or accurate reflection of the natural surface levels. The natural surface contours shown on the plan have been assessed against the contours shown on the plans submitted with the Development Application, as well as the contours on Council's mapping system, which have a 10 metre interval. The surveyor has provided contour intervals at 1 (one) metre which is more accurate. Based on the mapping systems contours which are only approximate, the natural surface contours are a reasonable representative of the original land form. The use of assumed datum is reasonable and will permit calculations of the depth of extraction to be undertaken.

The levels indicate that the depth of extraction carried out in the Stage 1 area was generally a maximum depth of 4 (four) metres. The depth of extraction in Stage 2 is between 13.00 metres to 14.5 metres which is within the 15.24 metre level.

Cut-off Surface and Subsurface Flows

The respondent has raised concern that the operation has cut off the surface and subsurface flows to the National Park and property across the road. This is not a matter associated with the Section 96 which

ENVIRONMENT

Meeting Date: 30 November 2004

seeks to modify Condition 3. This matter was considered and assessed with the Development Application No. DA0134/95 which was approved.

Extending Life of Activity

Concern was raised that the modification will extend the life of the sand mining activity beyond the 25 (twenty five) years. Condition 4 contained in Section B has to be amended and the sand mining activity is to cease upon the extraction of 2,000,000 (two million) tonnes or a period of 25 (twenty five) years expires from the date of Consent operation.

Conclusion

Council has received legal advice to indicate that the Consent has not lapsed and that Council has a current application that is not determined. In order to move the matter forward, the current application to modify Condition 3 of Development Consent DA 0134/95 has to be determined and then the Part B of the development consent (Deferred Commencement) can be considered in respect to the remaining stages of the mining activity.

The majority of the conditions of Stage 1 have been satisfied and where certain documentation (Site Environmental Management Plan) has not been approved by Council officers, the inspections by Council officers has revealed that the activity is being operated in a manner that is considered to have minimum environmental impact. The water quality reports prepared lend support to this statement.

The applicant has provided additional information including an Annual Report on compliance with the Conditions of Consent and a Water Quality Assessment.

It is recommended that the application to modify Condition 3 be approved and that Council confirm the operation of Part B of the Development Consent to permit the extraction of sand from Stages 2-6.

RECOMMENDATION:

That:

1. The application to modify Condition 3 of Development Consent No. DA 0134/95 by extending the period to complete and rehabilitate Stage 1 by 2 (two) years, be approved.
2. The applicant be advised that the Deferred Commencement consent under Part B for Stages 2-6 is now operational.
3. The applicant be requested to provide a site Environmental Management Plan to Council as required by Condition 27 within 2 (two) months.

ATTACHMENTS:

AT - 1 Locality Plan.

AT - 2 Plan showing location of completed current stages on site.

ENVIRONMENT

Meeting Date: 30 November 2004

Item: 60 **ENV B - Corrections to Schedule 1 of the Hawkesbury Local Environmental Plan 1989 - (Deletion of Two Heritage Items) - (79339)**

Previous Item: 57, Ordinary (8 April 2004)

REPORT:

Background

Council, at its Ordinary Meeting of 8 April 2003 resolved to prepare a draft Local Environmental Plan, to:

- Delete No 37 Lennox Street, Richmond from Schedule 1 of HELP 1989.
- Delete the reference to No. 333 George Street, Windsor from Schedule 1 of HELP 1989.

The draft local environmental plan was exhibited from Wednesday, 7 July 2004 until Friday, 6 August 2004. One submission has been received in regard to the rezoning proposal.

Public Submissions.

No submissions were received in regard to No 37 Lennox Street, Richmond.

One submission was received from Mr Mick Francis of the Hawkesbury Hotel, No.335 George Street, Windsor.

Mr Francis has advised that he has no objection to the amendment to HELP 1989 but raises the following 2 (two) issues;

- The shed on 335 George Street has been incorrectly listed as a heritage item in "Schedule 1 - Items of Environmental Heritage".
- The Hawkesbury Hotel", formerly known as "Tates Hotel" be removed from the description in Schedule 1. The main reason supporting the deletion of Tates Hotel from the Schedule is that the internal fabric of the hotel (especially the front bar) has been modernised and therefore, the building has lost some of its heritage significance.

Comment:

Hawkesbury Local Environmental Plan contains the following description for the site in Schedule 1:

"Tates Hotel", Nos. 333-335, (Corner Tebbutt Street), lot A, DP 84001 and lot 2, DP 556829. (220)

There is no mention of a shed in Schedule 1 and therefore, HELP 1989 does not need to be amended. Mr Francis is probably referring to the "Heritage Inventory Sheets" which were prepared in the mid to late 1980's. These sheets provide background information to planners and the public in regard to the significance of the item. The Heritage Inventory Sheets have no statutory significance. It is recognised that the sheets are dated and the information contained in them is used as a starting point only when heritage significance is assessed.

Mr Francis' request to delete the reference of "Tates Hotel" from Schedule 1 is not supported. Even though there have been internal and some external alterations to the "Hawkesbury Hotel" (Tates Hotel) over the last decade, the fact remains that the building itself has heritage significance in that it is a major landmark within the George Street streetscape in the southern part of Windsor.

ENVIRONMENT

Meeting Date: 30 November 2004

The matter was referred to Council's heritage advisor, Mr Donald Ellsmore, who is of the opinion that removal of Tates Hotel from the heritage schedule would not be appropriate.

RECOMMENDATION:

That the draft plan be adopted as advertised. In regard to the Hawkesbury Hotel, Schedule1 of Hawkesbury Local Environmental Plan 1989 will read as follows:

"Tates Hotel", Nos. 335, (corner Tebbutt Street), lot A, DP 84001. (220)

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ENVIRONMENT

Meeting Date: 30 November 2004

Item: 61

ENV B - Vehicles Placed on Public Land and Advertised for Sale - (79347)

REPORT:

The purpose of this report is to provide information on present methods in use to control the sale of vehicles from public places. It also gives information on alternative methods that may be adopted to enable enforcement measures to be used.

Present Procedure

The present method in use came about from previous legal advice that displaying a vehicle for sale in a public place requires approval under Section 68 of the Local Government Act 1993.

As a result of this advice, a method was adopted where firstly a caution was issued by placing a notice on the windscreen of the vehicle. The notice was directed to the owner. In the event that the vehicle was returned to the location a penalty of \$220.00 (two hundred and twenty dollars) could be issued. The provisions of the Act are specific in that the penalty **must** be issued to the offender (the person who placed the vehicle in that location and advertised it for sale). Therefore, unless direct evidence is available to identify the person who placed the vehicle for sale in the location, issuing of a penalty notice could not be supported.

It has been found that on occasions when a caution notice is issued the vehicle in question is removed only to reappear in another location on another date. The process then starts again. On several occasions staff have worked over weekends in an attempt to curb this activity. Unfortunately, it has not been very successful in deterring those responsible.

Proposed Procedure

Section 670 of the Local Government Act 1993 allows for penalty notices to be issued to a person who fails to comply with the terms of a notice or sign. The notice or sign must be clearly legible, and where it relates to the whole of a parcel of public land, is exhibited at each entrance to the parcel of public land or in a conspicuous place in or in the vicinity of the parcel of public land. Council has the onus of proving that the notice or sign complies with the section.

Public land is defined in the Local Government Act and means any land (including a public reserve) vested in or under the control of the Council, but does not include: a public road etc. Therefore, a notice or sign may be placed on public land other than a public road to control the use of that area for the parking of vehicles advertised for sale.

Section 632(1) of the Local Government Act allows Council to issue penalty notices for offences for acting contrary to notices. The minimum penalty under the section is \$110.00 (one hundred and ten dollars). There is a liability on owners of vehicles found to be in breach of a notice under Section 632(1) of the Act. Therefore, owner onus applies and there is no requirement to prove who placed the vehicle in the respective location.

Locations

There are several locations within the Local Government area which have a history of use for displaying motor vehicles. These include:

- Corner of Pitt Town and Windsor Road, McGrath's Hill;
- Corner of Richmond Road and George Street, South Windsor;
- Bells Line of Road at Kurmond (road, not reserve); and
- George Street South Windsor, near the old Sawmill (road, not reserve)

ENVIRONMENT

Meeting Date: 30 November 2004

To be enforceable, the signs need to be at intervals of 30 (thirty) metres.

An estimate has been provided for the signs to be manufactured and installed by Council Staff of \$70 (seventy dollars) per sign.

Conclusion

The method in use under Section 68 of the Local Government Act 1993 has not been successful. The proposed method of placing notices at key locations is considered to be a better option and would enable Council to recoup some of the costs incurred. Each penalty issued would be in the amount of \$110.00 (one hundred and ten dollars). In areas which are not "public reserves" by definition, there may be more disputed infringements due to the offence not being on the basis of "owner onus". However, this is still considered to be better than the current situation.

The initial outlay for the installation of the signs is considerable, however, it may be recovered quickly from those found to be acting in contravention with the notices. In the alternative, the signs may have a positive effect and cars will not be placed in the areas sign posted.

RECOMMENDATION:

1. Signs be erected at 2 (two) trial locations as follows:
 - a. corner of Pitt Town and Windsor Roads McGrath's Hill, and
 - b. Bells line of Road, Kurmond
2. The cost of approximately \$2,300 (two thousand and three hundred dollars) is to be met by Development Legal Expenses.
3. Once the signs are installed notification be placed in the local newspaper.
4. Two weeks after notification, any vehicle found in the restricted area be issued with a penalty notice in the amount of \$110.00 (one hundred and ten dollars).
5. The results of the trial be reported to Council twelve months after implementation.

ATTACHMENTS:

AT - 1 Proposed Sign Wording.

ENVIRONMENT

Meeting Date: 30 November 2004

AT - 1 - Wording on proposed sign



WARNING

The use of this area for parking, selling or driving of any vehicle is prohibited.

A minimum penalty of \$110 may be issued to any vehicle located within this area. Section 632 (1) Local Government Act 1993.

**by Order
General Manager**

oooO END OF REPORT Oooo

Item: 62

ENV B - Land and Environment Court Appeals Process - (79347)

REPORT:

Introduction

Concerns have been recently raised concerning a Land and Environment Court Appeal and the procedures which apply. The purpose of this report is to provide information about the status of the Peel Parade Appeal and to recommend a clear procedure for adoption by Council.

Status of Peel Parade Appeal

The appeal was set down for hearing of draft consent orders on 24 November 2004. This position was reached with a strong recommendation by Council's Solicitor. A letter was forwarded to resident respondents by Council's Solicitors inviting them to give oral evidence to the Court. To facilitate this a meeting was held with a number of respondents on 19 November 2004 with Council's Solicitor, Barrister and Town planning Consultant. Concerns were raised with certain parts of the expert reports on effluent disposal and noise impact.

After hearing the concerns of the residents, it was agreed that there are matters of concern which may not be dealt with adequately by the draft consent orders. Accordingly, Council's Solicitors were instructed to advise the Court of this and ask for the Court proceedings to commence on site on Wednesday, 24 November 2004 to allow the residents to address the Commissioner and to have the questions dealt with by the applicant's experts. The court will also be asked to appoint independent court-appointed experts. This is the status of the matter at the time of writing this report.

There was some criticism by respondents that they were not given much notice of the appeal. It is accepted that the process may appear to be rushed, however, this is the Court process and it was always intended that the respondents would have an opportunity to give evidence.

Procedure for Responding to Appeals

An applicant may appeal to the Court in the following circumstances:

- **Deemed Refusal** - The Environmental Planning & Assessment Act, 1979 provides that if an application has not been determined by the Council within 40 days (60 days for integrated development) the application is deemed to be refused for the purposes of an appeal.
- **Refusal** - An applicant has the right of appeal against a decision to refuse an application. In general terms the applicant has twelve months from the date of refusal to exercise this right.
- **Conditions of Consent** - An applicant has the right of appeal against any conditions imposed on the development consent. The twelve month period also applies.

When an appeal is lodged to the Court, the applicant is required to serve the Appeal Notice on Council within a certain number of days and a call over date is included in the notice. A series of Court Rules and Practice Directions relating to Statements of Basic Facts, Issues, Expert Evidence, Joint Expert Statements and timetables must then be complied with by the parties.

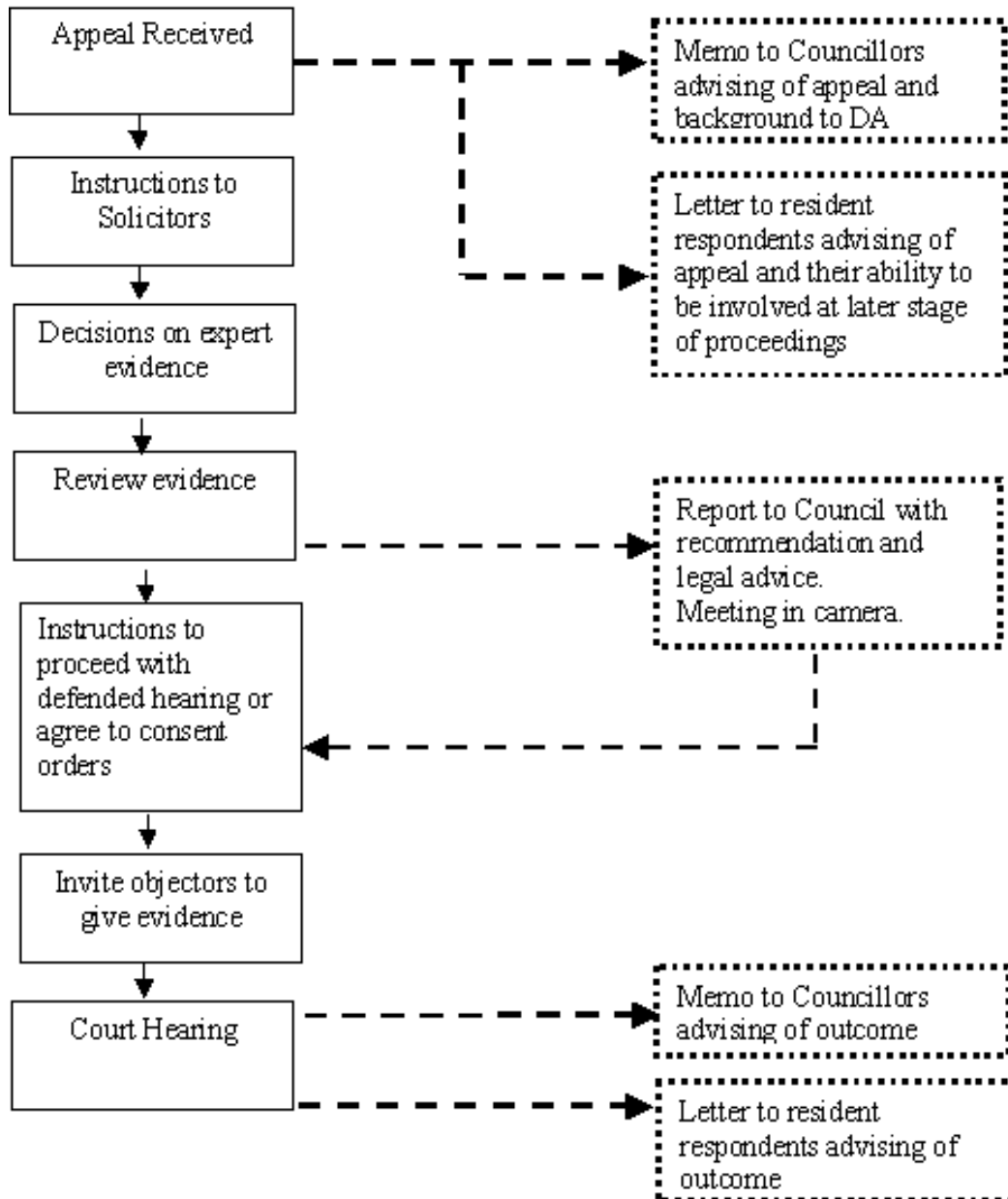
Council or the applicant can ask the Court to appoint independent expert witnesses or each party may engage their own experts. In some cases there may be a combination of Court-appointed experts for technical matters such as noise, hydrology, etc and each party may engage their own experts on other issues such as town planning.

ENVIRONMENT

Meeting Date: 30 November 2004

In the Peel Parade matter the expert reports from the applicant appear sound at face value, but the local knowledge provided by the resident respondents indicated that at the very least there are some unanswered questions.

The following procedure is recommended to ensure that all stakeholders are clear in the future.



The left side of the diagram shows the court appeal process (in summary), while the dotted lines and boxes show the recommended procedure for informing Councillors and a Council Meeting to consider legal advice at the appropriate time. Clear procedures for advising residents are also included.

ENVIRONMENT

Meeting Date: 30 November 2004

RECOMMENDATION:

That:

1. The procedure for responding to appeals as detailed in this report be accepted.
2. Council's Solicitors be advised of the adopted procedure.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ENVIRONMENT

Meeting Date: 30 November 2004

Item: 63

ENV B - Cities for Climate Protection (CCP) Milestone 5 Achievement - (79348)

REPORT:

Background

The Cities for Climate Protection™ (CCP) Program is a global initiative administered by the International Council for Local Environmental Initiatives (ICLEI) and the Australian Greenhouse Office (AGO). The program assists Local Government to reduce energy use and greenhouse gas emissions from their operations and from their communities' in line with Australia's commitment following the Kyoto protocol.

The CCP program consists of 5 (five) milestones.

Milestone 1: Conduct an inventory and forecast for community and Council sectors greenhouse gas emissions. This was done with 1996 Census data for the community sector, and using 1999/2000 data in the Council sector, for a 2000 base year in the program.

Milestone 2: Establish an emissions reduction goal. In April 2002 Council set a goal of 20% (twenty percent) reduction in emissions from 2000 to 2010.

Milestone 3: Council developed and adopted an Energy Action Plan (EAP).

Milestone 4: Implement the Local Action Plan. Improvements to computer equipment, pump stations, and others were completed successfully. Longer term initiatives were commenced.

Milestone 5: Monitor and report on achievements. Completed in July 2004.

Hawkesbury Council successfully completed CCP Program on 7 July 2004.

Milestone 5 Progress Report

A Milestone 5 Progress Report has been prepared by Omega Environmental Pty Limited on behalf of Hawkesbury City Council's Environment and Waste Branch. The report states that between the base year 2000 and reinventory year 2002, there was a 16.8% (sixteen point eight percent) increase in greenhouse gas emissions in the corporate sector. The water/sewage and building sectors experienced the highest growth in emissions. Emission increases in street lighting and water sectors reflected increased population demand. The waste sector experienced a decrease in emissions of 5.2% (five point two) percent.

Increase in Emissions

The increase in emissions were due to some improvements and changes to Council infrastructure, including:

- Twenty new accounts in the buildings sector.
- Existing high consuming accounts such as aquatic centre, Federation Precinct, Australiana Village, Bligh Park Child Care Centre and Youth & Community Centre.
- Some growth of the truck fleet, and increased consumption of fuel for the vehicle fleet due to changes in fuel purchasing and upgrading of fleet.
- Continuation of support for state government installations such as Rural Fire Service NSW.
- An 11% (eleven percent) increase in emissions from the street lighting sector.
- A 17% (seventeen percent) increase in emissions for water use and sewage treatment facilities due to increase in population, and closing of effluent ponds in Blaxland's Ridge.

ENVIRONMENT

Meeting Date: 30 November 2004

Emission abatements

The CCP program documented 5 (five) actions completed successfully across the water/ sewage and corporate sectors. Fourteen soft starters were installed in Council operated pump stations leading to a 122 CO₂^e tonnes reduction. A photocopier was decommissioned (3 CO₂^e tonnes), and Energy Star enabled computers, printers, and photocopiers replaced more outdated, inefficient equipment. A total of 255 CO₂^e tonnes abatement was achieved.

The Milestone 5 Progress Report to ICLEI (May, 2004) concludes that *“Council understands that to meet its reduction goal of 20 percent by the year 2010, it must maintain a high level of commitment to the CCP Program”*. Hawkesbury City's commitment to the ongoing success of its greenhouse reduction strategies is reflected in its 2002-2003 Energy Action Plan. The continued implementation of initiatives from this plan, and documentation of abatements, will reduce emissions and help the city to achieve its reduction goal.

CCP Energy Steering Committee

Milestone 4 included the development of the CCP Energy Steering Committee. The committee discussed energy saving initiatives and workshopped priorities for infrastructure changes to reduce energy consumption. An in-house education program, Energy Week 2003, was run in the Windsor Council Offices and Library.

The committee consists of CCP Project Officers, Manager Environment and Waste, Manager Building Services, Manager Information Services, Manager Wastewater Operations, Manager Design and Mapping Services, Manager Financial Services, Public Relations Officer, and Purchasing Officer.

Of particular importance, the CCP Energy Steering Committee has prioritised some energy saving initiatives with the Green Energy Strategy approved by Council in 2002.

These initiatives include:

- Development of community education initiatives as recognition of this sector being the highest consumer of energy.
- Progress options for improved efficiency in Council's vehicle fleet through introduction of alternative fuels vehicles.
- Improve the energy efficiency of new and existing Council owned and/or operated facilities.
- Development of options for a revolving fund to channel monies saved through energy efficiency back into individual business units for financing further environmental initiatives.
- Canvassing options for energy efficient public lighting such as solar lighting and more efficient lighting design.
- Liaising with Integral Energy over changes to street lighting infrastructure.

Since completion of CCP Milestone 5, Council's Building Services have progressed with some major building works to the cultural precinct that will provide Council with some greenhouse gas abatements. Council's fleet management is working with CCP Project Officers on an alternative fuels program for existing diesel fleet. Council's Information Services branch has upgraded workstations with more energy efficient monitors. Whilst projects have been developed, they have not been quantified in the CCP Program, or they have not come on line at this time. Further, there is work required to further development energy and billing management systems for energy units purchased and consumed.

CCP Plus™

As Council has successfully achieved the CCP Milestone 5 status, it has the option of joining the recently introduced continuing program, CCP Plus™. This is being run for the first time this year, and is offered by ICLEI to Council free of charge. The aim of CCP Plus is to provide an avenue for councils that have completed the 5 (five) milestones to continue to engage with CCP and maintain the benefits of being an active participant in the program. As well as this, CCP Plus will strive to:

ENVIRONMENT

Meeting Date: 30 November 2004

- Develop sustainable strategies for continued abatement activities within councils and their communities;
- Deepen actual abatement activity by councils and their communities; and
- Create opportunities for knowledge exchange regionally, nationally and internationally.

With the ICLEI CCP Plus Program, Council has an opportunity to further develop its' Green Energy Strategy, document its greenhouse abatements for the year 2010 in line with the strategy's mission, and attract funds from ICLEI and AGO to staff the program. The CCP Plus Program will also profile Council amongst Local Government as a special CCP Member, and amongst the community as a leader in greenhouse gas reductions.

RECOMMENDATION:

That:

1. The Green Energy Strategy be revised with the intention of updating the existing Green Energy Strategy as recommended by Omega Environmental Pty Limited.
2. An application, as made to ICLEI for funding of Council's Green Energy Strategy through involvement with CCP Plus™ Program.
1. Development of, and the accounting for the energy saving priorities of the existing Green Energy Strategy 2002/2003 continue.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

general
purpose
committee

section 2

infrastructure

INFRASTRUCTURE

Meeting Date: 30 November 2004

SECTION 2 - INFRASTRUCTURE

Item: 66 **INF B - Governor Phillip Reserve - Noise Policy - (79354)**

Previous Item: 58, Ordinary (10 December 2002)

REPORT:

During 1999/2000, notification was received from the Waterways Authority confirming new noise limits. The noise levels adopted by the Waterways Authority are based on the recommendations of the Waterways Authority Noise Committee contained in the 1996 Report on the Control of Noise from Vessels on NSW waterways. The new noise levels include:

- For recreational vessels (including Personal Water Crafts), the maximum noise level for engines is 85dB(A) at 30 metres. Engines built on or after 1/1/2000 are required to meet a maximum noise level of 80dB(A).
- For racing vessels, the maximum noise level for engines is 95dB(A) at 30 metres, tested in accordance with Australian Standard 1949-1988. The Authority may make it a condition of an aquatic licence for a significant international or national event, for a particular race or meeting to exceed the maximum noise levels, but only if the relevant local council or councils have provided the race organiser with their written approval for this to occur.

Whilst Waterways indicate that only significant international or national events can exceed the 95dB(A) limit with Council's consent, they do indicate that other events that are beneficial to the community can also be endorsed.

Council at its meeting on 10 December 2002 resolved that:

1. *Council retain the noise limits as set for those regular events held prior to 29 August 2000.*
2. *The noise limits are to be reviewed every two years or following any changes to the noise limits by the Waterways Authority.*

In reference to point 2 (two) of the resolution, the noise limits are due to be reviewed. The Waterways Authority have indicated that there are no new changes to the noise limits. It is thus recommended that the noise limits previously resolved, be retained with the exception of one amendment - the Hawkesbury Aquatic Festival is no longer running and thus can be removed from this process. The exemption to the noise limits set by Waterways at Governor Phillip Reserve, would thus read:

Drag Boat Racers (2 races per year)

1. No competing vessel shall be permitted to emit noise in excess of:
 - (a) 115dB(A) - for more than 8 seconds measured at a distance of 30 metres during the race; or
 - (b) 105dB(A) - for more than 14 seconds measured at a distance of 30 metres during a race.
 - (c) 105dB(A) - for vessels running more than 14 seconds measured at a distance of 30 metres during the race.
2. The licensee shall ensure that noise levels from vessels of 105dB(A) and up to 115dB(A) shall not be exceeded for more than 2 minutes per hour.

INFRASTRUCTURE

Meeting Date: 30 November 2004

3. The above noise criteria is not to be used more than four times a year at any one venue, and is only extended to specialised drag boat clubs affiliated with the Australian Power Boat Association.

The Upper Hawkesbury Power Boat Club

1. No Competing vessel shall be permitted to emit noise in excess of:
 - (a) Club Days - 105dB(A) for more than 40 minutes per day.
 - (b) NSW State Titles - 105dB(A).
 - (c) Bridge to Bridge Boat Race - 105dB(A).
 - (d) Unlimited Boat Race (Blown Boats) - 115dB(A). This event is held directly after the Bridge to Bridge Boat Race.
 - (e) Noise Test - (Prior to the Two Day Spectacular) - 115dB(A) for more than 15 minutes in total through the day.
 - (f) Two Day Spectacular - 115dB(A) for more than 10 minutes in total per day.

The NSW Water Ski Association

The Association has been operating within the following limit of 100dB(A) with a tolerance of 3dB(A). This event has been running for the past 40 (forty) years and attracts around 260 (two hundred and sixty) boats from across Australia. Around 80 (eighty) boats [320 (three hundred and twenty) crew members] travel from interstate, particularly from Queensland and Victoria.

The noise limits that have been outlined above for all 3 (three) groups, are the maximum levels allowed. Generally 80% (eighty percent) of the vessels participating within each event are well below these levels.

RECOMMENDATION:

That:

1. The amendment to the noise limits, as outlined below, be adopted:

Drag Boat Racers (2 races per year)

1. *No competing vessel shall be permitted to emit noise in excess of:*
 - (a) *115dB(A) - for more than 8 seconds measured at a distance of 30 metres during the race; or*
 - (b) *105dB(A) - for more than 14 seconds measured at a distance of 30 metres during a race.*
 - (c) *105dB(A) - for vessels running more than 14 seconds measured at a distance of 30 metres during the race.*
2. *The licensee shall ensure that noise levels from vessels of 105dB(A) and up to 115dB(A) shall not be exceeded for more than 2 minutes per hour.*
3. *The above noise criteria is not to be used more than four times a year at any one venue, and is only extended to specialised drag boat clubs affiliated with the Australian Power Boat Association.*

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1. *No Competing vessel shall be permitted to emit noise in excess of:*
 - (a) *Club Days - 105dB(A) for more than 40 minutes per day.*
 - (b) *NSW State Titles - 105dB(A).*
 - (c) *Bridge to Bridge Boat Race - 105dB(A).*

INFRASTRUCTURE

Meeting Date: 30 November 2004

- (d) *Unlimited Boat Race (Blown Boats) - 115dB(A). This event is held directly after the Bridge to Bridge Boat Race.*
- (e) *Noise Test - (Prior to the Two Day Spectacular) - 115dB(A) for more than 15 minutes in total through the day.*
- (f) *Two Day Spectacular - 115dB(A) for more than 10 minutes in total per day.*

The NSW Water Ski Association

The Association has been operating within the following limit of 100dB(A) with a tolerance of 3dB(A). This event has been running for the past 40 (forty) years and attracts around 260 (two hundred and sixty) boats from across Australia. Around 80 (eighty) boats [320 (three hundred and twenty) crew members] travel from interstate, particularly from Queensland and Victoria.

- 2. All other users of the river, within the Hawkesbury LGA, are to observe the noise limits set by Waterways.
- 3. The noise limits continue to be reviewed every two years or following any changes to the noise limits by the Waterways Authority.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

Meeting Date: 30 November 2004

Item: 67

INF B - Road Naming - Argents Road, Wilberforce - (79346, 80245)

REPORT:

An unformed section of road extends in a generally easterly direction for a distance of approximately 300 (three hundred) metres between Stannix Park Road and Sackville Road, Wilberforce; this road is unsealed.

As can be seen from the attached sketch plan, this road is a generally lineal extension of Argents Road to the west of Stannix Park Road.

In addition, this un-named road forms part of a B-Double route application considered by the Local Traffic Committee at its meeting held on 17 November 2004, at which it was resolved to recommend to Council that the B-Double route be approved.

Should Council adopt the recommendation of the Local Traffic Committee, it is desirable that the road be named for gazettal purposes.

This proposed naming has not been advertised nor public comment sought, given:

- a) Two properties are bounded by this road with each having a postal address to Stannix Park Road, and,
- b) The continuing road alignment.

RECOMMENDATION:

That the un-named public road between Stannix Park Road and Sackville Road, Wilberforce be named Argents Road, making the full extent of Argents Road as being between Sackville Road and Singleton Road.

ATTACHMENTS:

AT - 1 A4 Sketch Plan Argents Road, Wilberforce

INFRASTRUCTURE

Meeting Date: 30 November 2004

Item: 68 **INF B - Provision of Loading Zone - Kable/Macquarie Street Carpark, Windsor - (79346)**

Previous Item: 56, General Purpose Committee (26 November 2002)
 16, General Purpose Committee (27 April 2004)

REPORT:

The available parking and proposed changes to parking restrictions within the Kable/Macquarie Streets carpark has been previously reported to the General Purpose Committee meetings on 26 November 2002 and 27 April 2004.

The only change imposed on the carpark has been to the spaces surrounding the centre island running parallel to Macquarie Street, whereby the parking restrictions have changed from 2 (two) Hour to 4 (four) Hour and currently to 3 (three) Hour.

The available parking within the Kable/Macquarie Street car park is listed in Table 1:

Table 1

Total	3 hour	2 hour	Unrestricted	Disabled	Loading Zone	Reserved
126	30	85	Nil	2	Nil	9

Representation has been received from the Windsor Main Street Committee requesting that consideration be given to providing a Loading Zone within the carpark. This will assist with the numerous deliveries received to businesses surrounding the carpark and those adjacent to Windsor Mall.

There is no Loading zone within this carpark. The trucks servicing this business area are generally larger and longer than a conventional car and thus cannot legally fit into a car parking space. Alternatively the truck is, within the Australian Road Rules, to park across several parking spaces. This in turn takes up in the order of 3 (three) to 4 (four) spaces allowed.

To facilitate an adequate Loading Zone, car parking spaces will need to be utilised. It is proposed to convert an area adjacent to the centre Paved Island to a loading zone. This will entail utilising 3 (three) car parking spaces, to the East of the Paved Island, to provide 2 (two) Loading Zone Spaces. The 2 (two) Loading Zone spaces will be 3.75m (three point seven five) wide and 7.5m (seven point five) long. Minor adjustment is required to the carpark by way of removing an existing concrete island, adjustment to the pavement, modification of existing drainage pit and surrounds, relocation and adjustment of signs, removal of a tree and the adjustment of line marking to suit. The estimated cost for this project is \$7,000.00 (seven thousand dollars) and is available within the current carpark maintenance budget.

The proposal has the endorsement of the Windsor Main Street Committee.

The proposed parking layout for the Kable/Macquarie Street car park is listed in Table 2:

Table 2

Total	3 hour	2 hour	Unrestricted	Disabled	Loading Zone	Reserved
125	30	82	Nil	2	2	9

A plan of the proposal will be displayed at the meeting.

INFRASTRUCTURE

Meeting Date: 30 November 2004

RECOMMENDATION:

The 3 (three) parking spaces to the east of the paved island in the Kable/Macquarie Street carpark be converted to provide 2 (two) Loading Zone spaces 3.75metres (three point seven) wide and 7.5metres (seven point five) long, at an estimated cost of \$7,000.00 (seven thousand dollars) available within the carpark maintenance budget.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

Meeting Date: 30 November 2004

Item: 69 **INF B - Flood Evacuation Route Naming/Windsor Road Renaming**

Previous Item: 15, General Purpose Committee (3 June 2003)

REPORT:

At the General Purpose Committee meeting held on 3 June 2003 a report regarding the following issues was considered:

1. naming of the flood evacuation route as Jim Anderson Drive in recognition of the work undertaken by Mr Anderson as Member for Londonderry in having the project implemented prior to his death; and,
2. renaming of Windsor Road from the end of the M2 freeway to the eastern start point of the flood free access as Hawkesbury Valley Way, with the bridge section of the flood free access being named as Jim Anderson Bridge.

The Committee resolved to recommend to Council that public comment be sought on a proposal to recommend to the Roads & Traffic Authority that Groves Avenue, Railway Road North, Forbes Street, Windsor Street and Richmond Road be named Hawkesbury Valley Way, incorporating the Jim Anderson Bridge; this recommendation was adopted by Council at its meeting held on 10 June 2003.

For the purposed of public comment the proposed name change was terminated at Bourke Street, East Richmond rather than continuing through the commercial centre towards Pughs Lagoon.

Public comment was sought by way of advertisement within the local press, and correspondence addressed to ratepayers and service organisations.

At the close of the public comment period the following representations had been received:

1. Against - 238 (two hundred and thirty eight)
2. In favour - 63 (sixty three)
3. Tourism Hawkesbury Inc supported renaming of Old Windsor Road and Windsor Road as Hawkesbury Valley Way, however, were silent regarding the other roads.
4. One submission only addressed noise issues associated with the flood free route in the vicinity of Forbes Street, with no comment being offered on the road naming proposal.

In general, the majority of submissions, particularly petitions received, addressed road naming issues only and were silent on naming of the bridge as Jim Anderson Bridge. Those that did refer to the bridge had no objection to the proposed name, with 1 (one) submission specifically objecting to the name.

In terms of those supporting the proposal, who have residences/businesses adjacent to the roads, an individual from Richmond Road, Windsor, a company from Windsor Street, Richmond, 22 (twenty two) submissions from the Mulgrave area and 4 (four) submissions from Forbes Street, Windsor.

Those objecting to the proposal who have residences/businesses adjacent to the roads, 2 (two) submissions from Groves Avenue, 1 (one) submission from Forbes Street, Windsor, 1 (one) submission from Clarendon, 40 (forty) submissions from East Richmond and 4 (four) submissions from further west in Richmond.

The remainder of submissions received both for and against the proposal were from a wide range of locations within and outside the Hawkesbury.

INFRASTRUCTURE

Meeting Date: 30 November 2004

Under "Guidelines for the Naming of Roads" issued by the Geographical Names Board of New South Wales, names comprising two or more words should be avoided and a given name should only be included with a family name where it is essential to identify an individual and should generally be avoided.

Examples of full name road names exist within the Hawkesbury LGA (eg, Tim Whiffler Place), however, these were allocated prior to the guidelines.

As by far the majority of submissions received were against the proposal, it would seem appropriate that only the unnamed section of the evacuation route be named. It is proposed that the entire section of the route from Mulgrave Road/Railway Road North to its intersection with Forbes/Day Streets including the new bridge be named Jim Anderson Way.

RECOMMENDATION:

That the RTA be requested to name the flood evacuation route between the intersections of Mulgrave Road/Railway Road North and the intersection of Forbes/Day Streets be named "Jim Anderson Way".

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

Meeting Date: 30 November 2004

Item: 70 **INF B - McGraths Hill Wetlands and Effluent Reuse Scheme (MHW&ERS) - Access by the Cumberland Bird Observers Club Inc (79357, 91165)**

Previous Item: 53, General Purpose Committee (28 September 2004)

REPORT:

A report in relation to this matter was considered by Council at the General Purpose Committee meeting held on 28 September 2004. The report is printed in full below.

"The McGraths Hill sewage treatment facility was first established in 1938 with major augmentations in 1969 and 1995. The McGraths Hill Wetlands and Effluent Reuse Scheme (MHW&ERS) was completed in 2001.

Well prior to the 1995 upgrade bird watchers had been visiting the natural wetlands to observe the many species of birdlife present in the area. After augmentation of the facility which included the natural wetlands as part of the constructed wetlands, the birdlife within the area increased substantially. The number of bird watchers increased proportionally and this was encouraged since the wetlands were originally promoted in an educational and environmental light. Birdwatchers continued to access the facility, however, with changes to OH&S legislation new and more restrictive guidelines and requirements have been imposed with which Council as a responsible employer had no choice but to comply.

Personnel wishing to access the McGraths Hill Wetlands and Effluent Reuse Scheme (MHW&ERS) are required to follow strict protocols. These protocols are set out in a document titled "Safe Work Method Statement (SWMS) - Wetlands tours" compiled, edited and accepted by all Wastewater Staff in accordance with the requirements of the OH&S Act.

This SWMS are required under the OH&S Act as the facility is designated as an operational work site of Council and any visitor wishing to access the site must adhere to the SWMS which includes induction and supervision ensuring their health, safety and welfare while on the premises. This is the 'Duty of Care' that must be in place by Council under the OH&S Act.

With the bird watchers or any personnel wishing to access the wetlands within the facility, supervision cannot be provided as access may be at any hour of the day. If this is permitted Council has potentially breached its duty of care under the OH&S Act as it has failed to provide the required supervision of personnel on the site which may compromise their health, safety and welfare. For this breach the Manager Wastewater Operations, the Director Asset Services & Recreation, and the General Manager can be held personally responsible and liable to prosecution and/or imprisonment.

Independent advice from Council's consultant OH&S instructor Ms Terrie Norman supports the substance of this report.

The Cumberland Bird Observers Club Inc has been advised that they cannot access the site and while they agree that the position is justified they wish to pursue the matter further and would like to give a short presentation to Council for further consideration".

Council at its Ordinary meeting held on 14 October 2004 resolved that:

1. *This matter be deferred to the next General Purpose Committee to allow the Cumberland Bird Observers Club to place their submissions to Council.*

INFRASTRUCTURE

Meeting Date: 30 November 2004

2. *The submissions received from the Cumberland Bird Observers Club be distributed to all Councillors.*
3. *Council investigate the idea of creating an observation area at the McGraths Hill Wetlands and Effluent Reuse Scheme.*
4. *Council also investigate the possibility of allowing access to the area by person/groups accompanied by supervising volunteers.*

A further submissions have been received from the Club and distributed to Councillors.

Should Council wish to consider granting access by the Club to the wetland area of the treatment plant, it is considered that a reasonable defence to prosecution would be insistence that a number of members of the Club be inducted onto the site and any members entering the site must be similarly trained, with a record acknowledging such training and the time and date of each visit being forwarded to Council following each visit.

RECOMMENDATION:

That:

1. Appropriate members of the Cumberland Bird Observers Club Inc be inducted onto the wetlands site of the McGraths Hill Treatment Plant and trained to induct other members. All members entering the site must acknowledge induction and a record of any site visits forwarded to Council.
2. A review of the induction process and records be undertaken by management at 6 (six) months and reported to Council.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

Meeting Date: 30 November 2004

Item: 71

INF B - Yarramundi Reserve - Draft Plan of Management - (79354)

REPORT:

The Draft Plan of Management for Yarramundi Reserve, Yarramundi, has now been finalised. Yarramundi Reserve is located at the confluence of the Grose and Nepean Rivers, being the start of the Hawkesbury river. The reserve is 78 (seventy eight) hectares in size and is comprised of a lineal parcel of land and water.

Council became the trust manager of this reserve in 2002. In its role as appointed manager of the trust, Hawkesbury City Council has the ongoing responsibility to provide care, control and management of the reserve and to ensure that the reserve's uses are consistent with the dedicated" public purpose, in accordance with the Crowns Land Act 1989. The public purpose of the reserve is 'Public Recreation and Environmental Protection'

The Draft Plan was due for completion in late 2002 but was delayed as a result of the Yarramundi Bridge Replacement project. The replacement bridge was opened in early 2004 and the draft plan now reflects the new alignment of the road through the reserve.

A master plan has been developed as part of the draft plan and it proposes a number of developments for the park. These include:

- Development of a car park to provide access to the Grose River;
- Development of an official entrance and overflow car park on the northern side of Springwood Road;
- Composting toilet to be provide near the car park on the Grose River;
- Possible provision of shelters, tables, BBQ's and interpretative signage; and
- Development of a loop walking track around the southern lagoon.

Indicative costs have been identified to implement the master plan over the next five years. Please see the table below.

Year	Capital Cost (\$)
2005	\$73,000
2006	\$218,000
2007	\$203,000
2008	\$363,000
2009	\$223,000

It should be noted that no funds are available or have been allocated for this project.

RECOMMENDATION:

That:

- The draft Yarramundi Plan of Management be placed on public exhibition.
- Funding be sourced from both Federal and State Government for implementation of the recommendations of the Plan.

INFRASTRUCTURE

Meeting Date: 30 November 2004

- A landscape plan be developed for the northern entrance to the reserve. This landscaping should incorporate a 'welcome to visitors' for people entering the Hawkesbury from the Mountains along Springwood Road.

ATTACHMENTS:

AT - 1 The Yarramundi Reserve Plan of Management (*Distributed under separate cover*).

oooO END OF REPORT Oooo

INFRASTRUCTURE

Meeting Date: 30 November 2004

Item: 72 **INF B - Conservation Plans for Richmond Park, McQuade Park and Wilberforce Park - (79354)**

Previous Item: 20, Ordinary (7 May 2002)

REPORT:

At its Ordinary Meeting on 7 May 2002, Council resolved:

" that the preparation of a Conservation Management Plan for the three Macquarie Town Parks within the City area, namely, Richmond Park, McQuade Park and Wilberforce Park be considered in the formulation of the 2002/2003 budget".

Community consultations were held for each of the parks and this was followed with draft plans being developed and put on public exhibition. Richmond and Wilberforce Parks plans were adopted at Councils Ordinary meeting on 9 November 2004. The McQuade Park Conservation Plan had not been completed at the time of this earlier report and thus this is the reason for it coming before Council at this later date.

In preparation of the draft plan, the consultants discovered that the name McQuade Park was controversial when it was named in 1872. This name was rescinded on 2 (two) occasions with the final occasion being in 1878 which changed to Windsor Park. It is not sure if this name was ever gazetted.

The McQuade (Windsor Park) Park Draft Conservation Plan received 1 (one) response whilst it was on public exhibition. The comments received were in favor of the plans with some alterations suggested. These included:

- A dedicated bicycle track be constructed around the perimeter of the park;
- The park retain the name McQuade Park;
- To provide irrigation to water all trees within the park;
- Improved landscaping;
- Playground to be fenced off and seating to be provided; and
- That a 'Friends of McQuade ' committee be formed and that the committee have an annual budget to prepare plans of action for the park.

These comments were forwarded to the consultants for them to consider in their final draft. The final draft has taken some of these suggestions on board, however, some of them are outside the scope of the plan.

Some of the major points highlighted in McQuade Park (Windsor) Conservation Plan, include:

Landscape design

- Take action to officially gazette the name of the park as either McQuade Park or Windsor Park.
- Conserve the integrity of McQuade (Windsor) Park as a key component of the Macquarie-planned town of Windsor
- Consider fencing the entire perimeter (e.g a simple arris rail and timber post fence) and install gates to allow control of vehicular access.
- Provide an integrated formal carpark design in conjunction with a landscape master plan for the northeastern part of the park
- Enhance the south western corner of the park with a passive recreation focus by planting with additional shade trees, the placement of which creates visual connections to the lake
- Avoid introducing permanent monuments, memorial or artworks within McQuade (Windsor) Park that have no direct, compelling relevance to the site

INFRASTRUCTURE

Meeting Date: 30 November 2004

Use

- Where required upgrade and maintain the "Don't Worry" oval as an active sports field
- Provide adequate seating and picnicking facilities the park

Management

- Ensure a stormwater management plan is undertaken for the park
- There should be no subdivision of the park or excisions from or alienation of parts of the park

RECOMMENDATION:

That:

- The McQuade (Windsor) Conservation Management Plan be adopted.
- Any works undertaken within McQuade (Windsor) park are to comply with this plan of management.
- Steps be taken to officially gazette the name of the park as McQuade Park/.

ATTACHMENTS:

AT - 1 The McQuade (Windsor) Conservation Management Plan - (*Distributed Under Separate Cover*).

oooO END OF REPORT Oooo

INFRASTRUCTURE

Meeting Date: 30 November 2004

Item: 73 **INF B - Proposed Road Naming - Public Road off Woods Road, South Windsor - (79346, 3560)**

Previous Item: 26, General Purpose Committee (8 June 2004)
 58, Ordinary (9 November 2004)

REPORT:

Council at its Ordinary meeting of 9 November 2004 resolved:

"That Council choose a name and readvertise the naming of the public road created in DP1065214 and situated on the north-eastern side of Woods Road, South Windsor and approximately mid-way between Mileham Street and Hart Place."

A suggestion has been received from Hawkesbury Historical Society to name the unnamed public road "Ben Richards Place". Ben Richards established the meatworks at Riverstone.

RECOMMENDATION:

That public comment be sought regarding the naming of the presently un-named public road created in DP1065214 and situated on the north-eastern side of Woods Road, South Windsor and approximately mid-way between Mileham Street and Hart Place as "Ben Richards Place"

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

INFRASTRUCTURE

Meeting Date: 30 November 2004

Item 74: INF B - Demolition Works - Shopping Centre Development, Holland's Paddock - (79347, 8736)

REPORT:

Advice has been received from Pirasta Pty Limited, the company undertaking the shopping centre development on the Holland's Paddock site in Windsor that demolition works are proposed to commence within the near future.

Assistance has been requested from Council to facilitate the demolition works on the George Street frontage so as to minimise any inconvenience to the public. To enable the awnings of those buildings, which are to be demolished in George Street between the Colonial Arcade and No 223 to be removed safely, it will be necessary to erect scaffolding, which will preclude access to the footpath area in front of those buildings. This will be for a distance of approximately 65 (sixty five) metres. To enable pedestrians to bypass the scaffolding, it is proposed to place concrete barriers approximately 2 (two) metres from the kerb-line into the parking lane to facilitate access and provide pedestrians with protection from traffic in this area. This action would obviously necessitate parking over this area to be precluded and it is suggested that construction zone signage be approved for the period of time that the demolition will be undertaken. It is understood that this time period will be 5 (five) days or less, and around 35 (thirty five) metres of parking will be affected, with the remaining area being 'no stopping'.

To further lessen the impact on pedestrians, it has been requested that approval be given to allow the demolition of the awnings to be undertaken on a Sunday. The current conditions of consent limit construction works to 7:00am to 6:00pm Monday to Friday, 8:00am to 4:00pm on Saturday. It is felt that the public interest would be met by supporting the request.

Pedestrian traffic in this area is reduced on Sundays and there would be little noise produced from the removal of the awnings. As the proposal is for 1 (one) day only, either at the commencement or the end of the 5 (five) days demolition proposed for the awnings, it is suggested that it is a reasonable request.

RECOMMENDATION:

That Council exercising its delegation as a Committee of the Whole resolve that:

1. A construction zone be approved for approximately 65 (sixty five) metres in front of the buildings to be demolished in George Street as part of the shopping centre development on the Holland's Paddock Carpark site.
2. No objection be made to demolition of the awnings to the buildings between and including the Colonial Arcade and No 223 George Street being undertaken on 1 (one) Sunday between the hours of 8:00am and 4:00pm.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

general
purpose
committee

section 3

organisation
and resources

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

SECTION 3 - ORGANISATION AND RESOURCES

Item: 66

ORG A - Monthly Financial Report - October 2004 - (79349)

REPORT:

Summarised below, are particulars of both the income received and the expenditure incurred by Council for October 2004. This information has been reconciled between the cashbook and the bank statement balance as at the end of October 2004. All expenditure is fully supported by vouchers and invoices which have been duly certified.

October 2004

Cash Book (General Ledger) Reconciliation - October 2004

Opening Balance as at 1 October 2004	-1,491,643.87
Add Receipts for the Month	6,648,355.05
Less Payments for the Month	-5,103,557.07
Closing Balance as at end of October 2004	53,154.11

Bank Statement Balance - October 2004

Statement Balance as at end of October 2004	\$188,109.46
Less Unpresented Cheques	-\$124,343.87
Add Outstanding Deposits	\$106,428.29
	\$170,193.88
Adjustment: Statement entries not yet posted to GL	-\$117,039.77
Equals balance as per Cash Book	\$53,154.11

Commentary

The above reconciliations reflect the cashflow for October 2004. Receipts include rate payments, fees and charges, grant payments and matured investments. Expenditure for the month typically consists of payments to contractors, employee salaries, purchase of stores and materials and lease/loan repayments.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

The bank account balance may vary significantly from the cashbook balance. The difference is made up of unpresented cheques, outstanding deposits and bank statement entries that have not yet been recorded in the general ledger.

Cash management procedures are in place that ensure adequate funds are available to meet daily expenditure obligations. Active cash management minimises the risk of Council's bank account going into an overdraft situation.

Any surplus funds are invested so as to maximise interest earnings.

Investments - October 2004

The Local Government (Financial Management) Regulation requires that each month, details of all money that has been invested under section 625 of the Local Government Act, 1993 be reported to a meeting of Council.

The following table outlines the investment portfolio held by Council as at the end of October 2004. All investments have been made in accordance with the Act, Regulations and Council's Investment Policy.

October 2004

Investment Type	Balance Brought Forward	Deposits	Withdrawals	Accrued Interest	Balance End of Month
Managed Funds	\$16,727,746.79			\$77,864.78	\$16,805,611.57
On Call Funds	\$4,450,000.00	\$1,000,000.00	-\$3,670,000.00		\$1,780,000.00
Term Investments	\$820,000.00				\$820,000.00
Rolling Investments	\$4,500,000.00				\$4,500,000.00
TOTAL	\$26,497,746.79	\$1,000,000.00	-\$3,670,000.00	\$77,864.78	\$23,905,611.57

Investment Commentary

The investment portfolio reduced by \$2.6 million during October 2004. This was a reflection of the continued expenditure on capital works, combined with the fact that only a small amount of rate receipts are received in October.

Managed Fund performance exceeded the benchmark index in October 2004. Official cash interest rates have remained unchanged since the last increase of 0.25% in early December 2003 to 5.25%.

The investment portfolio is diversified across a number of investment types. This includes a number of managed funds, term deposits, rolling rate investments, floating rate notes and on-call accounts.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.

Geoff Banting
Responsible Accounting Officer

RECOMMENDATION:

That the information be received.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Item: 67

ORG A - General Purpose Financial Report and Special Purpose Financial Report for the period ended 30 June 2004 - (79349)

REPORT:

Council's General Purpose Financial Report and Special Purpose Financial Report for the period ended 30 June 2004, have now been completed, audited and advertised in accordance with the provisions of the Local Government Act (1993). The unqualified audit certificate from Council's Auditors, Millington SBS, has been received and is available for inspection by Councillors and the community.

The Local Government Act 1993 requires that the meeting set for the presentation of the financial reports must be at least 7 days after public notice is given and within 5 weeks after the auditors reports are given to council. The auditors reports were received on 3 November 2004 and public notice was first given in the Hawkesbury Gazette dated 17 November 2004. As the five week requirement expires on 8 December 2004 and the next Ordinary meeting is not until 14 December 2004, it is necessary that Council exercises its delegation as a Committee of the Whole, and resolve that Councils General Purpose and Special Purpose Financial Reports and Special Schedules for the period ended 30 June 2004 be adopted at this General Purpose Committee meeting of 30 November 2004.

Given below is a summary of Council's financial result under the Australian Accounting Standard 27 (AAS27) for the period ended 30 June, 2004 along with a brief commentary of the reported figures.

Operating Statement	2003/04 \$'000	2002/03 \$'000
Operating Revenue	49,452	47,192
Operating Expenditure	47,314	47,343
Operating Result before Capital Amounts	2,138	-151
Capital Grants Contributions and Donations	2,036	1,872
Net Surplus (Deficit) for Year	4,174	1,721

The 2003/04 operating result represents a surplus of \$4.174 million as compared to a surplus of \$1.721 million the previous year. Details of revenues and expenses that resulted in the surplus as compared to the previous year can be explained as follows:

Revenues from Ordinary Activities	2003/04 \$'000	2002/03 \$'000
Rates and Annual Charges	28,314	26,949
User Charges and Fees	6,912	5,943
Interest	1,739	1,607
Grants & Contributions provided for Non-Capital Purposes	9,744	10,530
Grants & Contributions - Capital	2,036	1,872
Other Operating Revenues	1,644	2,014
Profit from Disposal of Assets	1,099	149
Total Revenue from Ordinary Activities	51,488	49,064

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

- **Rates & Annual Charges** - Rates and annual charges represent approx 55% of Council's total revenue. This is a similar result to the previous year.
- **User Charges & Fees** - Income received for User Charges & Fees increased by \$0.969 million from the previous year . Although spread across all activities the main areas of increase income were Companion Animal Shelter, Road Reinstatements, Development Applications and Inspection Fees.
- **Interest Received** - Interest on Investments Income received increased over the 12 month period. The average interest rate on investments was 5.50% for 2003/04 on an average portfolio of \$30.565 million, compared with 4.98% in 2002/03 on an average portfolio of \$32.184 million.
- **Grants & Contributions Received (Operating)** - Council received \$9.744 million in operating grants and contributions in 2003/04 compared with \$10.53 million in the previous year.
- **Grants & Contributions Received (Capital)** - Council received \$2.036 million in capital grants and contributions in 2003/04 compared with \$1.872 million in 2002/03.
- The actual amount of grants received depends on decisions made by State and Federal governments after the original Budget was adopted. In particular, major variations occurred in grants received for the following purposes:
 - Roads and Bridges
 - Employment & Training Programs
 - Community Care Services
 - Bushfire & Emergency Services
- **Other Operating Revenue** - There was a decrease in other income of \$370K in 2003/04 . This was primarily due to a reduction in lease rental income as a result of less than full occupancy rates, sale of designated properties and lease increases not being made on some properties where occupants demonstrated financial difficulty.
- **Profit from Disposal of Assets** - There was an increase of \$0.950 million in 2003/2004 from the previous year. This was due to the sale of three Council owned properties at Stewarts Lane, Toxana House and Yarrawonga Street.

Expenses from Ordinary Activities	2003/04 \$'000	2002/03 \$'000
Employee Costs	16,967	16,130
Materials and Contracts	18,334	19,949
Borrowing Costs	67	47
Depreciation and Amortisation	7,132	6,223
Other Expenses from Ordinary Activities	4,814	4,994
Total Expenses from Ordinary Activities	47,314	47,343

- **Employee Costs** - Employee costs increased from \$16.130 million in 2002/03 to \$16.967 million in 2003/04. The main factors contributing to this were:
 - Restructure of the Council's human resources resulting in new appointments during the year.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

- Higher than expected leave allowances were paid during the year as part of the management policy to reduce leave liabilities
 - Additional superannuation contributions were paid as some staff in Pool B Scheme (no contributions currently payable) were replaced with new employees requiring superannuation contributions.
- **Materials & Contracts** - Council's budget is based on a "normal" mix of self-constructed and contract works. The process of calling and accepting tenders during the year can result in substantial changes in this mix, resulting in significant variations from one year to the next. Actual materials and contracts were down \$1.615 million on last year.
 - **Interest Charges** - Interest Charges have remained low due mainly to Council not borrowing funds from financial institutions and electing to borrow internally against reserves. Interest charges were up on last year, due to interest paid on internal borrowings associated with the new cultural centre.
 - **Depreciation and Amortisation** - The amount calculated and charged to depreciation was \$7.132 million in 2003/04 (15% of total expenses). This compared with \$6.223 million (13%) in 2002/03. The increase in depreciation is attributed to the addition of the Cultural Centre to Council's asset register.
 - **Other Operating Expenses** - Total other expenses for 2003/04 amounted to \$4.814 million compared with \$4.994 million in 2002/03.

Statement of Finance Position (Balance Sheet)

The Statement of Financial Position discloses the assets, liabilities and equity of Council. It depicts the accounting term 'Assets - Liabilities = Equity'.

The table below displays Council's reported Statement of Financial Position under AAS27.

Statement of Financial Position	2003/04 \$'000	2002/03 \$'000
Current Assets	33,450	25,578
Non Current Assets	326,401	315,070
Total Assets	359,851	340,648
Current Liabilities	8,208	6,924
Non Current Liabilities	3,356	3,120
Total Liabilities	11,564	10,044
Net Assets	348,287	330,604
Equity	348,287	330,604

Council's Statement of Financial Position reports a strong position similar to that portrayed at the conclusion of 2002/03. Specific details relating to financial performance are detailed below.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Debt Service

Council's outstanding external load principal was only \$76,000 at the end of the financial year. This has enabled Council to achieve a debt service ratio of 0.08%. This ratio is used in assessing the degree to which revenues are committed to the repayment of debt. With the retirement of a significant amount of debt during 2000/01, the debt service ratio has fallen and provides Council with the flexibility of utilising debt funds if and when it needs to in the future. Moreover, the ratio achieved is well below the Group 6 of Councils average for 2003 of 3.45%

Current Ratio

The Statement of Financial Position also illustrates that Council has a high ratio of current assets to current liabilities (Current Ratio). The Current Ratio currently stands at 4.08:1. This ratio is used to determine a council's adequacy and ability to satisfy financial obligations in the short term. Council's high Current Ratio means that it is in a strong position to meet its short term financial commitments and has flexibility in making strategic decisions for the future.

Unrestricted Current Ratio

As a modification to the current ratio, the unrestricted current ratio is a more rigorous measure of Council's ability to meet future short term commitments as it excludes those assets and liabilities restricted for specific purposes such as sewerage and waste. Even the unrestricted current ratio is a high 3.4:1. Moreover, this indicator reflects a strong increase on the average of the previous three years of 2.36:1 and is well above the Group 6 of Councils average for 2003 of 2.24%.

Budget Result

The budget result, based on the movement in available funds, was reported with the review of Council's Management Plan at the GPC Meeting of Council held on 24 August 2004. The available funds result for the period ending 30 June 2004 was a deficit of \$40,385. With a total budget exceeding \$76 million, this result represents a variance of only 0.053%.

Interpretation of Financial Results

The 2003/2004 financial reports of Council indicate the following financial position:

- The Operating Statement disclosed a surplus of \$4.174 million.
- Net Current Assets totalled \$25.242 million.
- Total Equity of the Council is a positive balance of \$348.287 million
- The Statement of Changes in Equity showed an increase of \$17.683 million.

The Operating Surplus of \$4.174 million is not available to Council to make discretionary allocation. Capital Grants, Contributions and Donations of \$2.036 million are generally restricted for reinvestment in new or replacement assets. The Equity is not generally available for sale to bolster operations. In reality these assets are held by Council for the community.

The budget result is a reflection of the movement in available cash. The purchase and sale of assets and transfers to and from reserve affect the availability of cash, however do not effect the operating result of Council.

Reserves

The table below summarises the movement to and from Council reserves during the period.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Reserve	Balance 30-Jun-03	Movement	Balance 30-Jun-04
External Restrictions			
S 94 Community Facilities Reserve	3,162,074.05	-1,561,292.17	1,600,781.88
S 94 Park Improvement Reserve	539,821.48	78,217.43	618,038.91
S 94 Recreation Buildings Reserve	773,523.05	-64,475.82	709,047.23
S 94 Car Parking Reserve	327,416.37	20,503.26	347,919.63
S 94 Drainage Reserve	57,118.51	147,594.71	204,713.22
S 94 Roadworks Reserve	579,202.81	-51,124.70	528,078.11
S 94 Bushfire Reserve	31,530.96	1,974.51	33,505.47
Sewer- Asset Replacement Reserve	334,730.26	-13,098.73	321,631.53
Environmental Plan Reserve	548,489.33	34,347.14	582,836.47
Sewer - Treatment Works Reserve	3,300,946.50	-2,791,999.65	508,946.85
Sewer Operating Reserve	0.00	48,861.00	48,861.00
Garbage Reserve	575,446.92	-217,300.71	358,146.21
Environmental Stormwater Reserve	487,189.13	551,677.08	1,038,866.21
Parks & Garden Reserve	26,442.75	1,655.88	28,098.63
Heritage Reserve	9,255.66	13,119.60	22,375.26
Internal Restrictions			
ELE Reserve	802,913.76	533,029.73	1,335,943.49
Council S 94 Allocation Reserve	374,374.98	-7,036.37	367,338.61
Kerb & Gutter Reserve	293,132.32	63,735.29	356,867.61
Bligh Park Reserve	4,188,015.17	-1,067,892.56	3,120,122.61
Loan Reserve	3,061,509.89	455,409.87	3,516,919.76
Property Development Reserve	2,971,997.73	-1,103,480.33	1,868,517.40
Plant Reserve	461,918.09	-340,393.79	121,524.30
Election Reserve	133,945.90	-103,876.66	30,069.24
Extractive Industries Reserve	950,734.66	92,634.12	1,043,368.78
Information Technology Reserve	313,024.66	51,341.63	364,366.29
Roadworks Reserve	240,520.99	125,342.76	365,863.75
Risk Mgmt Reserve	149,254.05	8,784.81	158,038.86
Workers Comp Self-Ins Reserve	1,476,206.70	-489,874.45	986,332.25
Sullage Reserve	-88,930.55	197,359.50	108,428.95
Other Reserves	152,472.96	-37,057.88	115,415.08
Internal Loans	-135,000.00	0.00	-135,000.00
	26,099,279.09	-5,423,315.49	20,675,963.60

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

RECOMMENDATION:

That Council, exercising its delegation as a Committee of the Whole, resolve that Council's General Purpose and Special Purpose Financial Reports and Special Schedules for the period ended 30 June 2004 be adopted.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Item: 68

ORG A - Outstanding Receivables - Arrears of Rates and Charges 2003/2004 - (79349)

REPORT:

Outstanding Rates and Charges

Detailed below is a summary of the outstanding rates and charges as at 30 June 2004.

Charge Type	Amount
Rates Residential	\$541,374.61
Rates Business	\$37,966.78
Rates Farmland	\$2,455.87
Rates Ex-Gratia	-\$608.43
Environmental Stormwater Charge	\$28,848.68
Garbage Residential	\$153,522.13
Garbage Business	\$7,256.92
Interest	\$45,293.90
Legal Costs	\$4,185.47
Sewer Residential	\$3,999.74
Sewer Business	\$79,070.03
Sullage	\$150,466.39
Rates Credit Balances	-\$92,626.48
Net Arrears	\$961,205.61
Add Postponed Rates	\$66,399.46
Gross Arrears	\$1,027,605.07

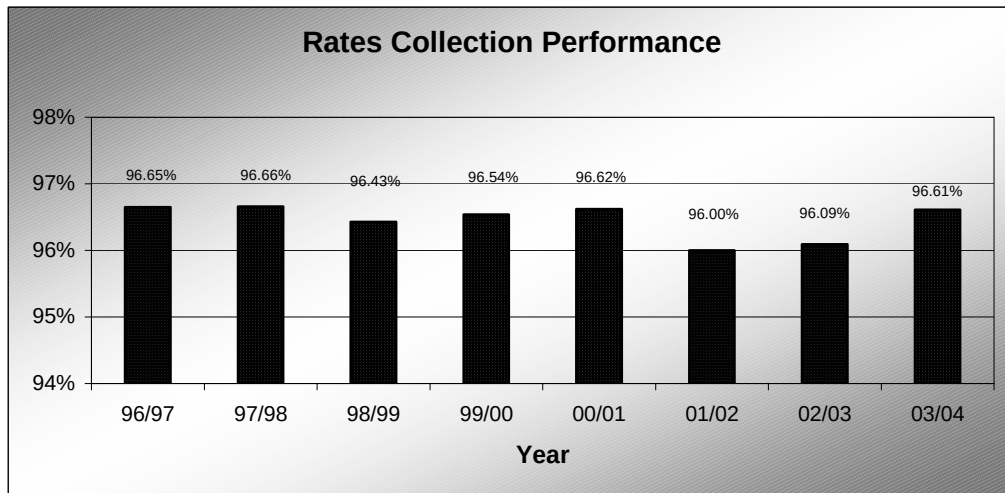
Collection Performance

The rates and charges levied in 2003/2004 combined with the gross arrears brought forward from 2002/2003 resulted in a total collectable amount of \$30,353,351.62 (thirty million, three hundred and fifty three thousand, three hundred and fifty one dollars and sixty two cents).

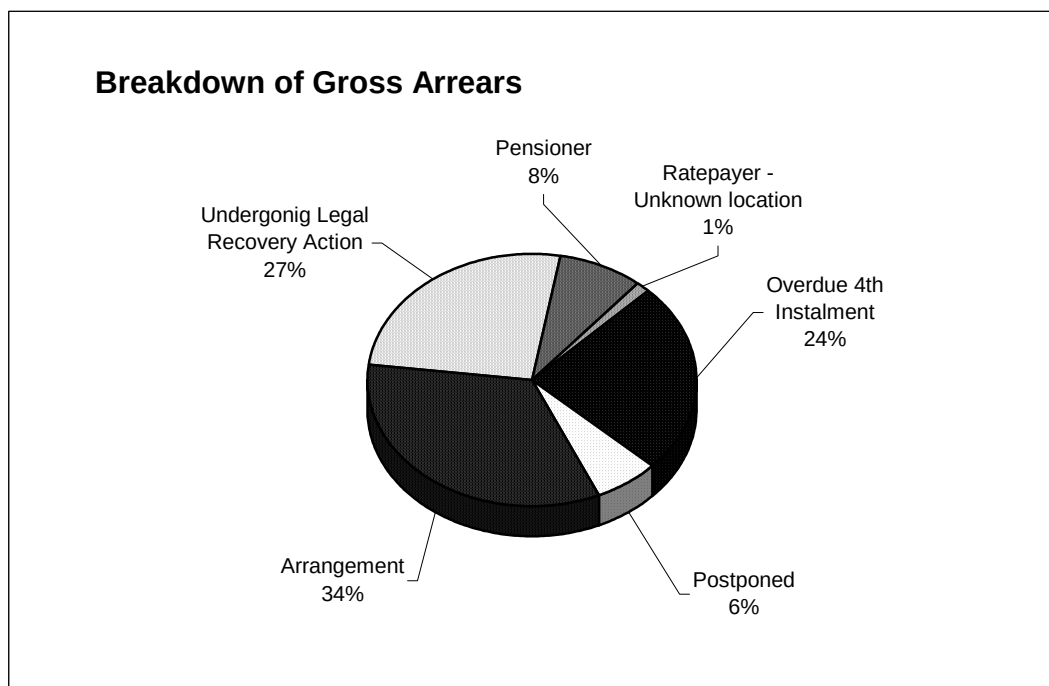
For 2003/2004 total collections of \$29,325,746.55 (twenty nine million, three hundred and twenty five thousand, seven hundred and forty six dollars and fifty five cents) were received. This resulted in a collection performance of 96.61%. Collection performance over the past 8 years has been maintained at a relatively constant rate, as depicted in the following graph.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004



The outstanding rates and charges are accounted for as follows:



Abandonment of Receivables

Rates and Charges totalling \$29,447.09 (twenty nine thousand, four hundred and forty seven dollars and nine cents) were abandoned during the year as a result of postponed rates write offs, changes in rating classification, waste service abandonments, removal of incorrect interest charges and legal costs and end of year small balance write offs. Provision for the writing-off of these amounts is contained in the *Local Government Act, 1993*.

In addition to the above rates and charges, other receivables totalling \$10,938.01 (ten thousand, nine hundred and thirty eight dollars and one cent) have proved irrecoverable either at law, economically or otherwise and are now recommended for abandonment.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Delegation has previously been granted for the Responsible Accounting Officer to approve the abandonment of debts below \$500.00 (five hundred dollars). Any debts over this amount may be written off only by resolution of the council. Debts which were written off under delegated authority totalled \$3,356.12 (three thousand, three hundred and fifty six dollars and twelve cents).

A schedule will be tabled providing details of the receivables for 2003/2004 totalling \$7,581.89 (seven thousand, five hundred and eighty one dollars and eighty nine cents) requiring a resolution of Council for abandonment.

RECOMMENDATION:

That:

1. The report on the outstanding receivables and arrears of Rates and Charges for 2003/2004 be received.
2. Rate and Charges totalling \$29,447.09 (twenty nine thousand, four hundred and forty seven dollars and nine cents) be abandoned against the 2003/2004 rating year in accordance with the Local Government Act, 1993.
3. The abandonment of other receivables totalling \$3,356.12 (three thousand, three hundred and fifty six dollars and twelve cents) under delegated authority to the Responsible Accounting Officer be noted.
4. Other receivables totalling \$7,581.89 (seven thousand, five hundred and eighty one dollars and eighty nine cents) requiring a resolution of Council be written off in accordance with the *Local Government (Financial Management) Regulation, 1993*

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Item: 69

ORG A - WSROC Western Sydney Research Proposals - (79351, 74251)

REPORT:

Correspondence has been received from WSROC in relation to the Western Sydney Research Proposals. At its last meeting the WSROC Board resolved to endorse, in principle, 3 (three) proposals involving university research on key regional issues and to encourage member councils to consider making financial contributions to these projects

All of the projects involve either current or future applications for Australian Research Council (ARC) funding which, in summary, are:

- Research Proposal - planning for change in older suburban areas - Professor Bill Randolph, UNSW: WSROC contact: Sharon Fingland.

\$5,000 (five thousand dollars) each from councils in older areas - \$25,000 (twenty five thousand dollars) total.

ARC linkage research proposal to investigate issues associated with revitalisation. Would support Regional Planning framework outcomes and follow-up the recent Year of the Built Environment Forum on this issue.
- Sydney Metropolitan Metrics Project - Professor Ed Blakely, PRC, Sydney University: WSROC contact: Alex Gooding.

\$2,500 (two thousand dollars) each council annually for three years; \$25,000 (twenty five thousand dollars) total annually.

ARC linkage research proposal to develop a systematic database to measure economic, environmental and demographic change in Sydney. Would support similar initiatives to develop indicators for the WSROC Regional Planning Framework
- "Doing the Knowledge" - Dr George Morgan, UWS: WSROC contact: Colin Berryman.

\$1,500 to \$2,000 (one thousand to two thousand dollars) from each council to stage one - \$15,000 (fifteen thousand dollars) total.

Stage one of a project for which ARC funding will later be sought. Part of an international research project focussing on the impact of industry restructuring and the effectiveness of educational policy responses through interviews with students and ex-students of WS educational institutions.

Management believes that support for the Sydney Metropolitan Metrics Project and Professor Ed Blakely, PRC, Sydney University would provide important demographic information in the development of indicators that will assist in the promotion and preparation of Council's strategic plan.

The initial allocation of \$2,500 (two thousand five hundred dollars) could be funded from the current allocation for social planning with allocations for the following 2 (two) years to be included as part of the budget preparation. The demographic information is also expected to assist in the preparation of future social plans.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

RECOMMENDATION:

That:

1. Council support the WSROC Western Sydney Research Proposal - Sydney Metropolitan Metrics Project in the order of \$2,500 (two thousand five hundred dollars) for a 3 (three) year period.
2. Funding in 2004/05 be provided from Council's allocation for Social Planning.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Item: 70

ORG B - Documents for Execution Under Seal - (24744, 34780, 79761, 21308, 73874, 74403)

REPORT:

Lease.
GC283/130

Wilberforce Garden Nursery is currently operated by Mr Alan Armstrong. The current lease has expired and Mr Armstrong has advised that, rather than exercise the option that was available to him under the terms of his lease, he would like to enter into a new five 5 (five) year lease with a five 5 (five) year option. A valuation has been obtained and commencing rent shall be \$17,160 (seventeen thousand, one hundred and sixty dollars), plus Outgoings and GST. The tenants will continue to be responsible for 100% (one hundred percent) of their water usage. The lease preparation fees, pertaining to this matter, will also be the responsibility of the tenants.

Lease

The property at 139 March Street, Richmond is currently occupied by Rainbow Home and Respite Services under the terms of an executed Deed of Agreement. This agreement has now expired and Rainbow Home and Respite Services have confirmed their intention to continue occupying the property and will, therefore, enter into a lease agreement commencing 1 January 2005. The term of the lease will be 1 (one) year with a 1 (one) year option and the commencing rental shall be \$11,700 (eleven thousand, seven hundred dollars) per annum, plus GST. The tenant shall be responsible for 100% (one hundred percent) of service charges (telephone, electricity etc).

Lease

The current lease to Mr and Mrs Kelly (MiGae P/L) in respect of Shop 8 Wilberforce Shopping Centre has expired. At the Ordinary Meeting of 10 February 2004, Council resolved to enter into a new 1 (one) year lease with a 1 (one) year option. The leases were prepared and forwarded to MiGae P/L for execution, however, extensive delays have occurred and the leases are no longer suitable. Accordingly, it is now proposed to have the leases re-drawn, with the associated costs payable by MiGae P/L. The term of the lease shall be 1 (one) year with a 1 (one) year option. The commencing annual rent shall be \$12,942.12 (twelve thousand, nine hundred and forty two dollars and twelve cents) plus GST, reviewable by CPI annually. The tenants shall be responsible for all lease preparation costs as well as 7.8% (seven point eight percent) of Council rates and 9.8% (nine point eight percent) of all other centre outgoings.

RECOMMENDATION:

That the seal of Council be affixed to the following documents:

1. Lease Agreement with Mr Alan Armstrong of Wilberforce Garden Nursery for the term of 5 (five) years lease with a 5 (five) year option and annual rent commencing at \$17,160 (seventeen thousand, one hundred and sixty dollars), plus Outgoings and GST. The tenants will continue to be responsible for 100% (one hundred percent) of their water usage.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

2. Lease Agreement with Rainbow Home and Respite Services for the term of 1 (one) year with a 1 (one) year option for 139 March Street, Richmond with a commencing rental of \$11,700 (eleven thousand, seven hundred dollars) per annum, plus GST. The tenant shall be responsible for 100% (one hundred percent) of service charges (telephone, electricity etc).
3. Lease Agreement with Mr and Mrs Kelly (MiGae P/L) in respect of Shop 8 Wilberforce Shopping Centre for the term of the of 1 (one) year with a 1 (one) year option. The commencing annual rent shall be \$12,942.12 (twelve thousand, nine hundred and forty two dollars and twelve cents) plus GST, reviewable by CPI annually. The tenants shall be responsible for all lease preparation costs as well as 7.8% (seven point eight percent) of Council rates and 9.8% (nine point eight percent) of all other centre outgoings.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Item: 71 ORG B - Request to Hold Windsor Markets on Australia Day - (76542, 79338)

REPORT:

Representations have been made by the Windsor Mall Craft Group Inc. requesting permission to hold markets on Australia Day, Wednesday, 26 January 2005, in addition to their usual Sunday markets.

The group have further requested that, in order to encourage their regular stall holders to participate in the Australia Day markets, that Council waive the \$15.00 (fifteen dollar) per stall fee which is usually payable to Council.

The operation hours of the markets, if approved by Council, would be 9:00am until 4:00pm with the Windsor Mall Craft Group Inc. being responsible for the cleaning of the Mall afterwards, as well as Public Liability Insurance.

In view of the fact that this proposal is to celebrate Australia Day and would increase activity in the Mall on that day, Council may wish to favourably consider the Groups request. Accordingly, the following recommendation is submitted for consideration.

RECOMMENDATION:

That:

1. Council grant the Windsor Mall Craft Group Inc. permission to hold the Australia Day markets in Windsor Mall on 26 January 2005.
2. Council waive the fee of \$15.00 (fifteen dollars) per stall for the Australia Day markets.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Item: 72 **ORG B - Sale of Unpaid Rates - (79349)**

Previous Item: 24, Ordinary (9 March 2004)

REPORT:

At the Ordinary Meeting of 9 March 2004, Council resolved to proceed with the sale of 7 (seven) properties for unpaid rates, under the provisions of Section 713 of the Local Government Act 1993. The rates were paid in full on 4 (four) of the 7 (seven) properties prior to the date of auction. One other property was withdrawn from sale pending a possessory title claim being lodged by the adjoining property owner. The remaining 2 (two) properties were sold by auction on 26 August 2004.

Property settlement on the 2 (two) parcels of land sold at auction have now been finalised. The proceeds from sale for both properties are insufficient to clear the outstanding rates, charges and debts. Section 719 of the Local Government Act 1993 contains provision whereby if the purchase money is less than the amount owing, then the rates, charges and debts are taken to have been fully satisfied.

In accordance with the section 719 provisions, the following charges now need to be abandoned:

Property No. 32362
Singleton Road, Kurrajong
DP 132737 Lot 30
\$4,627.57 (Four thousand six hundred and twenty seven dollars and fifty seven cents)

Property No.30241
Singleton Road, Upper Colo
DP 129614 Lots 1 & 2
\$612.51 (Six hundred and twelve dollars and fifty one cents)

RECOMMENDATION:

That:

1. Rates, charges and debts on property number 32362 be abandoned in the amount of \$4,627.57 (four thousand six hundred and twenty seven dollars and fifty seven cents)
2. Rates, charges and debts on property number 30241 be abandoned in the amount of \$612.51 (six hundred and twelve dollars and fifty one cents)

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Item: 73

ORG B - Existing Library Building - Future Use - (79337)

REPORT:

As part of the construction of the Council's new Cultural Precinct and the relocation of the library to a new facility within the Precinct it has been proposed that the existing library building would, when vacated, be leased on a commercial basis.

As the anticipated rental income as a result of this leasing has been incorporated in proposed budgets for the establishment and ongoing operation of the new Cultural Precinct it is important that any proposals for the use of the building are based on the payment of a market rate commercial rental and a valuation has been obtained for this purpose, certain aspects of which are to be clarified with the valuer.

While action has been commenced to market and subsequently lease this facility, in conjunction with the new commercial office space in the Cultural Precinct, other proposals regarding the future use of the existing library have recently come to light and require consideration by Council.

Other possible uses are as follows:

Hawkesbury City Chamber of Commerce Inc – Business Development Centre

The following submission has been received from the Hawkesbury City Chamber of Commerce Inc proposing the use of the facility by the Chamber for the establishment of a "Business Development Centre":

"For some time this organisation has contemplated the acquisition of premises in which the Chamber could be located and at the same time provide an income to enable the Chamber to occupy the premises rent-free. The concept was to have premises that would facilitate space to be rented as serviced office space.

The Chamber would provide the space and the services, such as telephone, reception, fax, office services etc., at a fee which would cover costs of the service, rental of the building and hopefully a profit to the Chamber.

The concept of a Business Development Centre has become more crystallised with the changes being made to the funding of organisations such as ourselves. In this context we would see that the offering of space and service to such organisations as Hawkesbury Tourism and Hawkesbury Harvest would reduce their costs and have the added advantage of bringing these organisations together for better co-ordination and assist in the economic development of the Hawkesbury.

To date, the only possible option for premises has been the Tourist Information Centre, which would need to be expanded. It has the advantage of a good location but there would be significant capital costs to develop the concept. We have now turned our attention to the Hawkesbury Library, which we understand will become vacant once the new Art Gallery Complex is completed.

Subject to the building being suitable we would like Council to consider leasing the building, on suitable terms to the Chamber. We do not expect to be given the building however we may need some assistance in modification of the building and maybe in the early stages as rental pick up. We do have under consideration a sponsorship plan, which would assist.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

The concept we have is not only as offices for organisations and small business but also as a display centre, meeting place to enhance our opportunities to attract business to the Hawkesbury. In this regard the library is ideally located close to the Council Chambers, which would assist in supporting the parties in the business development process.

We appreciate that the building is not yet available and may not be available for 12 months but we need to plan and develop budgets etc.

The writer would like to discuss this matter further with you and looks forward to that opportunity."

The concept of a Business Development Centre has recently been discussed with the Chamber and they have been requested to provide further details incorporated into an appropriate Business Plan for the project. This will allow the Council to consider the concept of the proposal as distinct for the use of the existing library building for this purpose.

In considering the suggested use of the library building it must be stressed that any use must be on a commercial basis to ensure an ongoing income stream as this has been incorporated into Council's budgeting processes.

The Chamber's submission suggests that it may require assistance with building fit-out and initial rental, however, given the likely significant level of a market rate commercial rental that could be obtained for the facility it is considered that it may be unlikely that the Chamber would be able to underwrite such an ongoing rental requirement.

Ultimately, if such a facility were to utilize this building it may result in further resource demands being placed upon Council for support purposes that could incur additional costs to the organization.

Use for Council Purposes

Council will be aware that the existing office accommodation facilities within the Administration Building are restricted with little opportunity for expansion or improvement within the confines of the existing building. It is considered that it would be an advantage to the organization to be able to provide additional office, meeting and training facilities and the impending availability of the existing library building may present an opportunity for this.

This could be achieved by relocating the Council Chambers and Members facilities to the existing library building which would release the present area occupied by these to relieve the present unsatisfactory office situation. Additionally, improved facilities could be provided for the Council Chambers and Members and could also result in improved access for members of the public.

Costing of this option has not been undertaken at this point in time and it would result in a loss of the income stream from rental income, however, the concept is mentioned in the context of the future use of the existing library build so that council is aware of potential uses for the building.

Use for Provision of Additional Home and Community Care (HACC) Services

Council has been made aware that the Department of Ageing, Disability and Home Care (DADHC) have allocated funds for the establishment of additional Home and Community Care (HACC) Services within the Hawkesbury LGA. The level of funding for the proposed services is substantial and is in the order of 5 (five) million dollars which will be progressively rolled out over the next three years. These funds have been allocated to address identified service gaps within the Hawkesbury – DADHC will be seeking expressions of interest from organisations to operate these services with the requirement that the service outlets be located in the Hawkesbury.

Council has recently been invited, through Peppercorn Services Inc., to lodge an expression of interest to provide a contracted transition to work program for people with disabilities and a centre-

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

based meals service. The recurrent funding allocated for these services amount to \$600,000 (six hundred thousand dollars) - this funding is part of the overall DADHC allocation for additional HACC Services.

DADHC has indicated that it views Council, through its managing agent - Peppercorn Services Inc. - as a credible and efficient provider of HACC Services. The Board of Peppercorn Services Inc. is confident that it can satisfy the requirements of DADHC for the provision of additional HACC Services and hopes to secure the funding allocated for these services. Irrespective of who the successful provider of the contracted services will be, there will be a need for the successful organisation to rent or purchase a suitable venue within the Hawkesbury LGA.

The current library building, when vacated, will meet the requirements for a central venue. It is proposed that the existing library be made available for lease, at market rates, by Peppercorn Services Inc (or the successful tendering organisation) to operate the contracted services to be funded by DADHC. In effect, the existing library will become an extension of Peppercorn Place and will consolidate Council's capacity to meet the service needs of the Hawkesbury's ageing population.

Initially, it is suggested that the lease for this purpose could be for a period of 3 (three) years with an option for a further period of 3 (three) years. This would allow Council to consider other uses for Council purposes at that time.

Conclusion

It is understood that the funding that may be available for additional Home and Community Care (HACC) Services will be confirmed in the relatively near future and, as such, it is suggested that Council may wish to withdraw the existing library building from the market at this stage to make it available for this purpose. Should this proposal proceed Council will ultimately receive a market rental for the facility as well as maintaining the building for community purposes and facilitating the expansion of much needed services in the region.

In addition, should this approach be adopted, based on a lease for a period of 3 (three) years with an option for a further period of 3 (three) years, it would also leave the possibility that the building could be made available for Council's use, as suggested under the second option above, at a later date.

RECOMMENDATION:

That:

1. The existing library building be withdrawn from the leasing market at this stage and the facility be made available for the provision of additional Home and Community Care (HACC) Services as detailed in the report on terms and conditions to be determined and based upon a term of 3 (three) years with an option for a further period of 3 (three) years and the payment of a market rental.
2. In the event that the provision of additional Home and Community Care (HACC) Services from the existing library building does not eventuate the facility once again be made available for lease on the basis of normal commercial leasing terms and conditions and rental.

ATTACHMENTS:

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Item: 74

ORG B - Proposed Section 94, Community Facility - Kurrajong - (79342)

REPORT:

The purpose of this report is to inform Councillors of the outcomes of the public meeting held at the Kurrajong CWA hall on Thursday, 18 November 2004. The meeting was convened by the Kurrajong Community Forum to provide an opportunity for residents to discuss matters relating to the proposed construction of a Section 94 community facility in Kurrajong. The meeting was chaired by Council staff and attended by approximately 80 (eighty) residents including 6 (six) Councillors.

Background

The construction of a community facility at Kurrajong is included in the Community Facilities Works Program identified in Council's current Section 94 Contributions Plan which was adopted in September 2001. The community facility at Kurrajong is the last remaining facility item for construction in Catchment 1 and a revised Section 94 Plan is currently being prepared.

There are currently \$546,552 (five hundred and forty six thousand, five hundred and fifty two dollars) retained in the Community Facility, Catchment 1 Section 94 reserve inclusive of Council's contribution of \$62,220 (sixty two thousand, two hundred and twenty dollars).

The Need for Proposed Community Facility

At the public meeting held on the 18 November 2004, a number of participants questioned the need for a community facility in Kurrajong citing the under utilised CWA Hall, Grose Vale Community Hall, and the community room within McMahons Park as perhaps evidence that an additional facility was not needed. This perception was challenged in turn by other participants who indicated that they had been trying to secure a suitable venue to conduct their activities for a number of years.

It may be the case that the under-utilisation of the existing facilities reflects the limitations of these facilities rather than pointing any lack of demand for a new facility. In recent times, there has been an increasing recognition of the need to construct community facilities which can meet the changing needs of the community. This has seen a move away from the construction of 'standard' community halls towards more purpose-built facilities based on the design requirements of user groups. Examples of such facilities in the Hawkesbury include Peppercorn Place Disability and Aged Services Centre; the recent extensions to the North Richmond Community Centre and Glossodia Community Centre; and the proposed South Windsor Family Centre. Because these facilities have been designed in accordance with the requirements of user groups, they have become successful, viable and well-utilised community venues.

Over the past 5 (five) years Council has continued to receive representations from community groups seeking access to Council-owned facilities in which to conduct their activities. In particular, there has been a demand for activity spaces linked with separate storage areas which can be used by a number of groups who may pursue disparate recreational pursuits. Council has also received representations from the Colo Wilderness Mobile Resource Unit Inc. requesting that Council consider housing their service in any proposed community facility to be built in Kurrajong.

Ostensibly, the purpose of Section 94 funds are to enable Council to construct facilities which can respond to the demands generated by new developments. Since 1996, Kurrajong and its surrounding localities have recorded population growth rates which have been twice as high as average annual rate of growth across the Hawkesbury. Over the last 5 (five) years, the potential catchment area for a proposed facility at Kurrajong has recorded an increase in resident number of over 1,300 (one thousand and three hundred) - with 90% (ninety percent) of this growth occurring in the localities

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

surrounding the village of Kurrajong. The total potential catchment population of the proposed facility at Kurrajong is approaching 10,000 (ten thousand) persons.

The proposal to construct a community facility at Kurrajong can be justified on the following basis:

- the proposal has been identified in Council's Section 94 Contributions Plan for a number of years. Over the past decade, Council has used the Section 94 funds within Catchment 1 to construct facilities at Blaxland's Ridge and extensions at North Richmond, with Kurrajong being earmarked as the most appropriate location within this Catchment for a new community facility;
- the level of development driven population growth within the Kurrajong area indicates that constructing a facility is entirely consistent with the purposes for which Section 94 funds have been collected;
- the need to provide an accessible and contemporary purpose-built community facility which can support the provision of a range of community services to meet the reasonable expectations of residents;
- to respond to the expressed need for an appropriate community venue to support the recreational pursuits of residents.

In any event, the consensus of the public meeting was to call on Council to begin the process of constructing a community facility.

Cost and Size of Proposed Facility

The construction costs of a community facility will be dependent on a range of factors including location and topography; the specific requirements of user groups such as air-conditioning, storage, child care licensing, fencing, play-ground equipment, landscaping; and planning requirements relating to car-parking, wastewater disposal, access, utilities, roadworks and the like. Current construction costs for a purpose-built air-conditioned community facility with provision for a licensed child care area, is estimated to be \$1,750m² (one thousand seven hundred and fifty square metres). The funds available for the proposed facility in Kurrajong would enable the construction of a community facility of 300m² (three hundred square metres) – which is roughly equivalent to the size of the McGrath's Hill Community Centre.

Location of Proposed Facility.

The location of the proposed facility for Kurrajong was the subject of considerable discussion at the public meeting. In addition to the possible sites nominated by Council staff, a number of other suggested sites were suggested by participants at the meeting. The nominated sites included;

1. Memorial Park Kurrajong.
2. Timms Hill Road, Kurrajong – a parcel of Council owned land currently zoned as open space and located within walking distance of the Kurrajong commercial precinct.
3. McMahons Park Kurrajong.
4. CWA Hall – Old Bells Line of Road Kurrajong.
5. Car-park adjoining the CWA Hall.
6. Matheson Park – a crown land reserve of which Council is the trustee located at the corner of Mill Road and Roxana Road, Kurrajong.
7. Land located on 1144-1146 Grose Vale Road Kurrajong currently owned by Integral Energy.

An attachment outlining the respective locations of these sites has been included with this report. In discussing these options, a number of questions were asked of Council staff and a number of issues were raised. These included:

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

- a. Section 94 requirements – The meeting was advised that, with respect to community facilities, Section 94 Developer Contributions may only be used to construct additional 'new' floor space within the Catchment in which the contributions were collected. Council may only construct community facilities on publicly owned land - either land which Council owns, or in the case of Crown Lands, where Council is the trustee – provided that the construction of the facility is consistent with the zoning of the land or, in the case of Crown Lands, for the purpose to which the land has been dedicated.
- b. Central Location - some participants held the view that the community centre should be located within the commercial precinct of Kurrajong Village. It was argued that such a location would enable residents to access the facility on foot, that it would maximise the usage of the centre and would generate additional commercial activity for adjoining businesses. The sites nominated by participants which would best meet this criteria included Memorial Park, the CWA Hall, and the car park adjoining the CWA Hall.
- c. Protecting the integrity of existing uses - A number of residents spoke strongly in opposition to the idea of using Memorial Park as the location for the community facility arguing that this would be inconsistent with the intended purpose of the Park and would prejudice the integrity of the site as a memorial to those Australians who have died defending the nation (a copy of the submission tabled by the Kurrajong-Colo Sub Branch of the Returned and Services League of Australia has been included as an attachment to this report). The meeting was also advised that Council had adopted a landscape plan for Memorial Park which had been developed following previous consultation with residents.
- d. Construction Costs. Council staff advised the meeting that community facilities are best constructed on relatively level parcels of land to maximise the potential floor space yield of the funds allocated for the facility. It was explained that constructing a community facility on a sloping site would require that a significant proportion of the funds available be spent on earthmoving and associated site costs which would substantially reduce the potential floor space yield by up to 50% (fifty per cent). It was also indicated that it would be preferable to construct a community facility on a site with established services and utilities.
- (b) e. Accessibility - Council staff also advised that meeting that to comply with the provisions of the Disability Discrimination Act, Council was required to ensure that its community facilities met the required Australian Building Codes for accessibility. Minimising compliance costs associated with the relevant building codes would dictate that a community facility should be constructed on a level site and generally be of a single story.

Assessment of Possible Sites

On the basis of the above issues, the following comments are provided with regard to the seven potential sites discussed at the public meeting (in preparing this information advice has been sought from Council's Building Services Manager).

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Site	Meets Sec. 94 Requirements	Central Location	Consistent with Existing Use	Construction Costs	Accessibility	Size
1. Memorial Park, Kurradjong	Yes	Located in Village Centre	may be perceived as being inconsistent with the purpose for which the reserve has been dedicated would require Council to overturn the existing landscape plan for the Park which was adopted following considerable consultation with residents.	slope of site would add a minimum of \$150,000 to construction costs reducing the floor space yield by up to 100m ² . site currently drains into a depression at the bottom of the existing slope – constructing a facility would incur additional expenses to achieve satisfactory solution to drainage and stormwater runoff	slope of the site will create additional requirements to ensure accessibility	the slope of the site will affect potential area available for facility (building envelope). Car parking requirements will alienate open space within Park. bounded on three sides by residential housing – size of site will only provide for a limited noise buffer zone
2. Timms Hill Rd. Kurradjong	Yes	Located close to village centre	no existing use (zoned Open Space)	slope of site would add a minimum of \$250,000 to construction costs (reducing the floor space yield by up to 150m ² . the site has no existing entitlement to pump out and would require Council to prepare appropriate reports and studies regarding the disposal of effluent.	slope of the site will create additional requirements to ensure accessibility residents would be required to negotiate the steep incline of Timms Hill Rd. which appears to be greater than a 1:14.	the slope of the site will significantly affect potential area available for facility the slope of the site will also affect areas available for car-parking, playground and other external amenities.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Site	Meets Sec. 94 Requirements	Central Location	Consistent with Existing Use	Construction Costs	Accessibility	Size
3. McMahon's Park, Kurrabung	Yes	Located 1km from village centre	consistent with existing use - currently houses sports fields and small community facility the site is heavily patronised by sporting groups and has a high level of community surveillance	level site which would maximise floor space yield adjacent to existing facility which provides for additional savings through sharing of amenities + facilities full range of required services and utilities available on site	level site will enhance accessibility access road to the site is narrow	the site is sufficiently large to comfortably accommodate facility and any possible future extensions.
4. CWA Hall	No	Located in Village Centre	Site could only be considered if land was to be donated to Council · site contains existing hall – this would either need to be demolished or extensions added to hall.	the front half of the site is level but falls away at the rear – construction on the unused portion of the site may incur additional expense due to slope. · additional floor space could only be added if existing hall demolished or second storey added to existing hall	depending on whether hall is demolished or second storey added, access requirements will add to construction costs (need for access ramps or lift).	the site is relatively small – 708m ² – which will place considerable constraints on the design and size of proposed facility and ability to meet associated car parking and other requirements.
5. Car Park adjoining CWA Hall	Yes	Located in Village Centre	inconsistent with existing use (car park) - any development would require existing car parking spaces to be retained.	only practical construction solution would be to construct a two story community facility with parking underneath – this would add considerable to construction costs	two storey facility would require access ramp or lift	the site is relatively small – 1388m ² – and it may not be possible to meet design requirements for community facility and associated car-parking while still retaining existing car parking spaces.
6. Matheson Park	No	Located on other side of Bells Line of Road	inconsistent with existing use (crown reserve dedicated for recreation).	slope of site would add a minimum of \$150,000 to construction costs (reducing the floor space yield by up to 100m ² .	slope of the site will create additional requirements to ensure accessibility	the size of the site is sufficient to accommodate community facility, however slope of site will affect potential area available for facility and associated amenities.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Site	Meets Sec. 94 Requirements	Central Location	Consistent with Existing Use	Construction Costs	Accessibility	Size
7. Integral Energy Site	No	Located in Village Centre	inconsistent with existing use (would require Council to purchase site).	relatively level site	accessible	2747m ² - need to maintain access road to substation will impact on capacity of the site to house facility and associated amenities.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Conclusion

'Best Practice' design principles for community facilities generally provide for the location of facilities adjacent to commercial precincts and transport routes where possible. Unfortunately Council does not own any suitable unencumbered land, of a size sufficient to accommodate a community facility and its associated amenities within the village centre of Kurrajong.

While the contention that a community facility in Kurrajong should ideally be able to be accessed by residents on foot is persuasive, it should be remembered that the facility is intended to meet the needs of not only Kurrajong village but the areas surrounding the village. As outlined previously, up to 90% (ninety percent) of the population growth arising out of new developments within the catchment area of the proposed facility have not occurred in the village of Kurrajong. In effect the majority of residents, on behalf of which Section 94 contributions have been collected, will be required to travel to the proposed facility by vehicular transport.

Based on the factors outlined above, McMahons Park appears to provide a site which best addresses the criteria outlined at the public meeting – this site will maximise the potential floor space yield for the proposed community facility.

Outcomes of Community Meeting

The need for further consultation with residents was discussed at the public meeting – residents were presented with two options, for Council to conduct a community survey or for the matter to be reported to Council to seek Council's approval to commence the planning and construction of the proposed facility. The overwhelming majority of residents indicated a preference for reporting this matter to Council to enable the planning of the proposed facility to commence.

To facilitate the design of the proposed facility, Council staff have previously established working parties of user groups and other stakeholders to prepare a design brief for Council's Architect. The Architect then produces preliminary design sketches and provisional costings – this information is then used by the working party to refine the design brief to ensure that the finished building reflects the design requirements of user groups and can be constructed within the funds allocated for the project.

To date, members of the Colo Wilderness Mobile Resource Unit, the Kurrajong-Comleroy Historical Society and the Kurrajong Community Forum have expressed a strong interest in a participating on a design working party. If Council is to identify McMahon's Park as the preferred site for the proposed facility, it would also be appropriate to involve representatives of the McMahons Park Committee on the working party. It would also be appropriate for Council to seek the involvement of other potential user groups by placing advertisements in the Council Notices.

RECOMMENDATION:

That:

1. Council identify McMahons Park as the preferred site for the construction of a community facility for the Kurrajong area.
2. A working party be established to prepare a design brief. The working party to include representatives from Colo Wilderness Mobile Resource Unit, the Kurrajong-Comleroy Historical Society, the Kurrajong Community Forum and the McMahons Park Committee.
3. Council place advertisements in the Council Notices inviting nominations from other potential user groups to participate on the working party.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

ATTACHMENTS:

AT - 1 Location Map: Identified Sites for proposed Kurrajong community facility`

AT - 2 Submission: Kurrajong-Colo Sub-branch, Returned and Services league of Australia.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Item: 75

ORG B - Council Aquatic Weed Program - (79356)

REPORT:

Background

Council collects a Stormwater Environmental Levy from Hawkesbury City ratepayers as part of a 5 (five) year program to improve and protect stormwater quality. Stormwater programs approved by Council and the Minister that are already underway over the period and that have relevance to the aquatic weed issue include:

Relevant Approved Projects	Total Cost
Monitoring of Aquatic Health (Section 2.2)	\$220,000
Weeds Information in the press (Section 2.3)	\$55,000
Property Dam Management (Section 3.2)	\$60,000
Riparian Vegetation Plan/Survey (Section 3.4)	\$130,000
Community Monitoring (Section 4.1)	\$160,000
Show Information Stands (Section 4.1)	\$90,000
Total	<u>\$715, 000</u>

Council has supported the development of a \$50,000 (fifty thousand dollars) 6 (six) month program to end of June 2005 to progress Council's initiative on remediating the Hawkesbury River and capitalising on the current positive community awareness. This funding will come from uncommitted elements of the approved projects above, and therefore no further Council approval is required to progress this project.

Program elements and indicative costings

In keeping with Council's resolutions on the River Forum and the proposed Weedbuster program, and bearing in mind the goals of the Stormwater Environmental Levy, the goals of the Hawkesbury Aquatic Weed Project relate to:

- Reducing the risk of further major aquatic weed outbreaks in the Hawkesbury River
- Strengthening institutional, financial and community arrangements for more effective aquatic weed strategies across the whole of the catchment
- Implementing the Aquatic Weed Strategy developed by the (former) Aquatic Weed Task Force within the framework of the national Aquatic Weed Strategy
- Advocating for more ecologically sustainable management of the Hawkesbury River for nutrient inputs and river flows.

The key elements of the initial 6 (six) month program will include:

1. The establishment of a Hawkesbury Council working party involving relevantly qualified Councillors and community members. The work to be undertaken by this group will include meeting with and securing a coalition of support from State, Federal and Local Government, and other organisations and representatives. The working group would also participate in securing local and business sponsorship of the project.

The working group could include a representative of the HNCMA and Adjunct (honorary) Professor Sandy Booth from UWS. Councillors may care to propose other community or academic involvement in the working group. The working group would meet 3 (three) times

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

before the end of February 2005 to allocate tasks to members and for members to provide a report on their sponsorship and lobbying activities.

(Costs include staff and Councillor time, minor transport and on-costs, plus hospitality if needed, say \$500 (five hundred dollars). Environment and Development Division to support working group.)

2. The establishment of a Hawkesbury Weedbuster Fighting Fund with wide-ranging Government and private contributors. The working party would play a strong role in securing this funding via its lobbying program. The Fighting Fund would hold contributions toward joint, catchment-wide, aquatic weed prevention and eradication projects, in support of the aquatic weed eradication work undertaken by the Hawkesbury River County Council under the present arrangements through a variety of one-off funding sources.
3. The working party will work to influence Federal, State and Local Government representatives to allocate funds for aquatic weed programs within their organisations' 2005/2006 financial year budgets. The working party must achieve this for the next financial year by the end of February 2005.
4. Contract UWS to undertake specific project management tasks outlined below. (\$10,000 fee paid to the University. Professor Booth would receive no payment as his role on the working group is to be voluntary in his honorary University role as part of the UWS/Council MoU.)
5. Technical specialists from NSW Government, Local Government and academic organisations need to be involved to set priorities for expenditure of the funds secured from other agencies and councils. The bulk of this work is envisaged to take place in the next financial year if the program is continued.

Technical input into the project also is needed to undertake the following tasks:

- provide technical content for program, including content for a variety of print and on line publications for the community
- manage applications for federal Government funding
- provide NSW Government liaison
- identify potential sources of NSW Govt funding and advise the working group of these
- propose priorities for the Fighting Fund
- develop draft position description - skills, duties and qualifications - for Community Liaison contractor and River Keeper roles
- decide on and provide workplace for Community Liaison and River Keeper.

(UWS to manage this process from their fee.)

6. A sponsorship marketing package will be developed to assist working party members to seek sponsorship for various elements of the program, including for a suitable vessel and vehicle for a River Keeper, plus equipment and on costs. The sponsorship will be promoted by the sponsor and the contributing catchment bodies via metropolitan media, including national television where possible. (Design of logo and other visual elements = \$1,800, printing of 1,000 x 4 colour/4 page A4 gloss brochure + printing of 1000 x 4 colour gloss folder = \$3,800 total, printing of project letterhead = \$500, total = \$6,100.)
7. An innovative and comprehensive community awareness raising and community engagement program will be developed to build on and significantly value add to the Hawkesbury City Council working party's efforts, the Sydney-wide profile of the project and of the primary sponsors.

The project would include a high profile launch and the engagement of community organisations

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

and individuals as "weedbusters". They would include farmers, fishermen/trawlers, boat users, canoe paddlers, bushcare groups, residents and visitors who active support the Project.

Engaged people/organisations would receive Hawkesbury River aquatic weed information kits and highly visible public recognition of their participation. Print and web publishing and production elements would be used, including outdoor quality decals for vessels, vehicles and letterboxes. Weedbuster kit elements will include information sheets, stickers, fridge magnets, calico bags etc.

(Printing of flyers, brochures, posters, stickers, fridge magnets and calico bag etc design and production \$18,000 approx, advertising \$2,200, launch \$2,200. Community liaison \$11,000 includes minor travel and other expenses and assumes community liaison will be undertaken with sponsored, NSW Government agency or other council resources used for on costs, work space etc. The cost of a community liaison contractor is estimated at 20 hours per week for 16 weeks.)

8. Develop and identify the skills set and a position description for an inaugural/pilot Hawkesbury River Keeper and as a preliminary step, of a community liaison contractor. The community liaison activity will need to begin in March and the River Keeper will begin work in July 2005. The community liaison role would deliver the initial stages of the program using the resources produced above, developing community partnerships with local organisations, including the Hawkesbury River County Council, and individuals on the river and within the catchment.

The River Keeper initiative was proposed from the floor of Council's October River Forum and his/her focus would be on general river health. Primary activities for the role would expand on the community liaison role to specifically relate to aquatic weed identification and control. Particular emphasis would be placed by the River Keeper on supporting the community in identifying sources and initial outbreaks of aquatic weeds and mopping these up. A hierarchy of response actions would be developed with input from stakeholders and technical experts. Suitable candidates would be identified prior to May 2005.

(This will be undertaken by UWS as part of their contract.)

9. The development of a range of initial performance goals and indicators to ensure optimal effectiveness, efficiency and appropriateness of the program. (UWS task).
10. Develop a proposal for an action research project to be undertaken through the University of Western Sydney in 2005/6. The action research project will expand upon the work of the River Keeper and local Weedbuster participants by mapping vegetation and weed sources, undertaking research into causal links, identifying nutrient sources, providing GIS information publicly etc. (UWS task).

RECOMMENDATION:

That Council exercising its delegation as a Committee of the Whole resolve that:

1. Council nominate Councillors as members of the working party and suggest any other community or academic membership for the working party.
2. Council agree for the working party to meet at 11:00am on Thursday, 9 December 2004 at Council.

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

ATTACHMENTS:

There is no supporting documents.

oooO END OF REPORT Oooo

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

Item: 76

ORG B - Australia Day Event 2005 - (79342)

REPORT:

This report has been prepared to seek Council's approval to constitute an interim committee to determine recipients for citizenship awards to be presented at the Australia Day event to be held at the Richmond Club on 26 January 2005. The report also informs Council of the outcomes of discussions held with the Richmond Club, the Hawkesbury Sports Council and the Hawkesbury Gazette relating to the Hawkesbury Sports Medal Presentation.

Australia Day Citizenship Awards.

Councillors will be aware that as part of the Celebration for Australia Day, an Australia Day Awards Ceremony has been traditionally held at the Richmond Club. In conjunction with this event, a number of citizenship awards are presented. The process for determining the recipients of these awards involves a call for nominations which are then assessed by a committee established by Council.

Prior to September 2004, the Hawkesbury Awards Committee fulfilled this function. In September 2004, Council resolved to dissolve this Committee and to establish the Hawkesbury Civics and Citizenship Committee to undertake the functions of a number of committees including the Hawkesbury Awards Committee. Council nominated the Mayor, Cllr Bart Basset; The Deputy Mayor, Cllr Dianne Finch; and Cllr (Dr) Rex Stubbs OAM as delegates for the Hawkesbury Civics and Citizenship Committee.

The Hawkesbury Civics and Citizenship Committee has yet to be established. The draft constitution and proposed membership of this Committee is currently being drafted and will be reported to Council in the near future. In the absence of this Committee, Council will need to constitute an interim committee to consider and assess the Australia Day citizenship awards for 2005. It is proposed that this interim committee be made up of nominated Councillors for the Hawkesbury Civics and Citizenship Committee as well as the immediate past members of the Hawkesbury Awards Committee prior to its dissolution in September 2004, these included the membership of the previously constituted committee of 1 (one) representative of the Chamber of Commerce, 1 (one) representative of the Richmond Club Ltd., Mrs J Pearce, Mrs J A Barley-Jack, Mrs Y Whalan and Mr B E Brown. It is recommended that this interim committee be delegated responsibility for determining the award nominations for 2005 after which the interim committee will cease to function.

Hawkesbury Sports Medal Awards.

In May 2003, Council resolved to support the concept of a Hawkesbury District Sports Medal and authorised Council staff to consult with appropriate organisations to implement the proposal. The purpose of this award was to recognise the achievements of residents who have represented the Hawkesbury in a sport at a district level.

The inaugural Sports Medal presentation took place in conjunction with the Australia Day Citizenship Award ceremony held at the Richmond Club in 2004. As Councillors will be aware, the Sports Medal presentation for 2005 were also scheduled to be presented during the Australia Day event to be held at the Richmond Club in 2005.

In organising the Sports Medal event for 2005, Council staff consulted with the Richmond Club, the Hawkesbury Sports Council and the Hawkesbury Gazette – the co-sponsors of this event. In holding these discussions, these organisations raised a number of issues regarding the proposed timing and format for the 2005 Sports Medal Presentation. The Richmond Club were of the view that holding the Sports Medal Presentation immediately after the Australia Day Citizenship Awards created a number of logistical problems. More importantly the timing of the 2 (two) ceremonies detracted from the significance of the Citizenship Awards ceremony as recipients of these Awards, and their families, were required to vacate the

ORGANISATION AND RESOURCES

Meeting Date: 30 November 2004

venue in order to enable it to be set up for the Sports Medal presentation. The need to conduct the Sport Medal presentation immediately after the Australia Day Awards prevented award recipients for celebrating their achievement with their family and friends.

The Richmond Club indicated they would prefer to hold the Sports Medal Presentation in August, in conjunction with the Sportsperson of the Year Awards.

The Hawkesbury Sports Council have also indicated their preference for staging the Sports Medal Presentations in August in conjunction with the Sportsperson of the Year Awards. The Sports Council believe that scheduling the Sports Medal Presentation in August would provide more of an opportunity for Winter sports to be adequately represented in the presentation of awards. The Sports Council also feel that an August date would also be more convenient for families to as they would not have to break their Summer holidays to attend the Sports Medal Presentation. The Hawkesbury Gazette are also of the view that the event should be staged in August in conjunction with the Sportsperson of the Year Awards. This is a gala event, and the key stakeholders agree that it would be a more appropriate way to acknowledge sporting achievements as per Council's resolution.

Councillors may be aware that nominations for the Hawkesbury Sports Medal have already been called for. If agreed to by Council, these nominations will be carried forward, and a further round of nominations will be conducted in May 2005 to ensure that the achievements of residents who are involved in winter sports, and who represent the Hawkesbury at a district level in these sports, can also be nominated for an award. Council staff will write to the current nominees to advise them of these changes.

The Richmond Club have indicated that they are willing to be the major sponsor of the Sports Medal presentation held in conjunction with the Sportsperson of the Year Awards. The sum of \$1,000 (one thousand dollars) has been nominally allocated within Council's 2004/2005 budget to fund the Sports Medal Presentation. Council may wish to consider approving a similar allocation, to be made available to the Richmond Club, as a contribution to the costs of staging the Sports Medal Presentation in August when determining budget allocations for the 2005/2006 financial year.

RECOMMENDATION:

That Council establish, by delegation, an interim Awards Committee, consisting of Councillors nominated to sit on the Hawkesbury Civics and Citizenship Committee as well as the immediate past members of the Hawkesbury Awards Committee, to assess the nominations for the Australia Day 2005 Citizenship Awards.

ATTACHMENTS:

There are no supporting documents for this report.

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